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THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES OF AMERICA,
FROM THE
TREATY OF PEACE
TO THE ADOPTION OF THE
PRESENT CONSTITUTION.
VOL. II.



THE
"DIPLOMATIC CORRESPONDENCE,"
OF THE
UNITED STATES OF AMERICA,
FROM THE SIGNING OF THE
DEFINITIVE TREATY OF PEACE,

10TH SEPTEMBER, 1783,

TO THE

ADOPTION OF THE CONSTITUTION, MARCH 4, 1789."

B E I N G

THE LETTERS OF THE PRESIDENTS OF CONGRESS, THE SECRETARY
FOR FOREIGN AFFAIRS—AMERICAN MINISTERS AT FOREIGN
COURTS, FOREIGN MINISTERS NEAR CONGRESS—REPORTS
OF COMMITTEES OF CONGRESS, AND REPORTS OF
THE SECRETARY FOR FOREIGN AFFAIRS ON
VARIOUS LETTERS AND COMMUNICATIONS;

TOGETHER WITH

LETTERS FROM INDIVIDUALS ON PUBLIC AFFAIRS.

Published under the direction of the Secretary of State, from the
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to an Act of Congress, approved May 5, 1832.

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“ for the year one thousand eight hundred and thirty-two.”

“ To enable the Secretary of State to cause to be printed, under
“ his direction, a selection from the Diplomatic Correspondence of
“ the United States, between the peace of one thousand seven hun-
“ dred and eighty-three, and the fourth of March one thousand
“ seven hundred and eighty nine, remaining unpublished in the De-
“ partment of State, twelve thousand dollars.”



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THE

DIPLOMATIC CORRESPONDENCE

OF THE

UNITED STATES.

VOL. II.—1



THE
CORRESPONDENCE
OF
BENJAMIN FRANKLIN.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Passy, September 10, 1783.

Sir,

I have received a letter from a very respectable person in America, containing the following words, viz.

“It is confidently, reported, propagated, and believed by some among us, that the Court of France was at the bottom against our obtaining the fishery and territory in that great extent, in which both are secured to us by the treaty; that our Minister at that Court favored, or did not oppose this design against us, and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained these important advantages.”

It is not my purpose to dispute any share of the honor of that treaty, which the friends of my colleagues may be disposed to give them, but having now spent fifty years of my life in public offices and trusts, and having still one ambition left, that of carrying the character of fidelity at least to the grave with me, I cannot allow that I was

behind any of them in zeal and faithfulness. I therefore think, that I ought not to suffer an accusation, which falls little short of treason to my country, to pass without notice, when the means of effectual vindication are at hand. You, sir, were a witness of my conduct in that affair. To you and my other colleagues I appeal, by sending to each a similar letter with this and I have no doubt of your readiness to do a brother Commissioner justice, by certificates, that will entirely destroy the effect of that accusation.

I have the honor to be, &c.

B. FRANKLIN.



FROM JOHN JAY TO BENJAMIN FRANKLIN.

Passy, September 11, 1783.

Sir,

I have been favored with your letter of yesterday, and will answer it explicitly. I have no reason whatever to believe, that you were averse to our obtaining the full extent of boundary and fishery secured to us by the treaty. Your conduct respecting them throughout the negotiation indicated a strong, a steady attachment to both those objects, and in my opinion promoted the attainment of them.

I remember, that in a conversation, which M. de Rayneval, the first Secretary of Count de Vergennes, had with you and me, in the summer of 1782, you contended for our full right to the fishery, and argued it on various principles.

Your letters to me, when in Spain, considered our ter-

ritory as extending to the Mississippi, and expressed your opinion against ceding the navigation of that river, in very strong and pointed terms.

In short, Sir, I do not recollect the least difference in sentiments between us, respecting the boundaries or fisheries. On the contrary, we were unanimous and united in adhering to, and insisting on them. Nor did I perceive the least disposition in either of us to recede from our claims, to be satisfied with less than we obtained.

I have the honor to be, &c.

JOHN JAY.

FROM JOHN ADAMS TO BENJAMIN FRANKLIN.

Paris, September 13, 1783.

Sir,

I have received the letter, which you did me the honor to write on the 10th of this month, in which you say you have received a letter from a very respectable person in America, containing the following words, viz. "It is confidently reported, propagated, and believed by some among us, that the Court of France was at the bottom against our obtaining the fishery and territory in that great extent, in which both are secured to us by the treaty ; that our Minister at that Court favored, or did not oppose this design against us, and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained those important advantages."

It is unnecessary for me to say any thing upon this subject, more than to quote the words which I wrote in the

evening of the 30th of November, 1782, and which have been received and read in Congress, viz; "As soon as I arrived in Paris, I waited on Mr. Jay, and learned from him the rise and progress of the negotiation. Nothing that has happened, since the beginning of the controversy in 1761, has ever struck me more forcibly or affected me more intimately, than that entire coincidence of principles and opinion between him and me. In about three days I went out to Passy, and spent the evening with Dr. Franklin, and entered largely into conversation with him upon the course and present state of our foreign Affairs. I told him my opinion without reserve of the policy of this Court, and of the principles, wisdom, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence, and that I was determined to support Mr. Jay to the utmost of my power in pursuit of the same system. The Doctor heard me patiently and said nothing."

"The first conference we had afterwards with Mr. Oswald in considering one point and another, Dr. Franklin turned to Mr. Jay and said, 'I am of your opinion, and will go on with these gentlemen without consulting this Court.' He has accordingly met us in most of our conferences, and has gone on with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and reputation, in the whole negotiation."*

I have the honor to be, &c.

JOHN ADAMS.

*For further information on this subject, and particularly for an account of the part taken by Dr. Franklin in the negotiation before he was joined by Mr. Jay and Mr. Adams, see the *North American Review* for January, 1830, p. 15 et seqq.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, September 13, 1783.

Sir,

I received a few days since, the private letter your Excellency did me the honor of writing to me of the 13th of June. I regret with you the resignation of the late Secretary. Your present cares are increased by it, and it will be difficult to find a successor of equal abilities.

We found no difficulty in decyphering the resolution of Congress. The Commissioners have taken no notice of it in our public letter.

I am happy to hear that both the device and workmanship of the medal are approved with you, as they have the good fortune to be by the best judges on this side of the water. It has been esteemed a well-timed, as well as a well-merited compliment here, and has its good effects. Since the two first, which you mention as received, I have sent by different opportunities so many, as that every member of Congress might have one. I hope they are come to hand by this time.

I wrote a long letter to Mr. Livingston by Mr. Barney, to which I beg leave to refer, enclosing a copy.

We had, before signing the definitive treaty, received the ratification of the preliminary articles by his Britannic Majesty, exchanged with us by Mr. Hartley for that of the Congress. I send herewith a copy of the first and last clauses.

In a former letter I mentioned the volunteer proceedings of a merchant at Alicant, towards obtaining a treaty between us and the Emperor of Morocco. We have

since received a letter from a person who says, as you will see by the copy enclosed, that he is sent by the Emperor to be the bearer of his answer to the United States, and that he is arrived in Spain on his way to Paris. He has not yet appeared here, and we hardly know what answer to give him. I hope the sending a Minister to that Court, as recommended in my last, has been taken into consideration, or at least that some instructions respecting that nation have been sent to your Minister in Spain, who is better situated than we are for such a negotiation.

The Minister from Denmark often speaks to me about the proposed treaty, of which a copy went by Mr. Barney. No commission to sign it, nor any instructions from Congress relating to it, are yet received; and though pressed, I have not ventured to do any thing further in the affair.

I forward herewith a letter to the Congress from the city of Hamburg. I understand that a good disposition towards us prevails there, which it may be well to encourage.

No answer has yet been given me from the Court of Portugal, respecting the plan of a treaty concerted between its Ambassador here and me. He has been unwell and much in the country, so that I have not seen him lately. I suspect that the false or exaggerated reports of the distracted situation of our Government, industriously propagated throughout Europe by our enemies, have made an impression in that kingdom to our disadvantage, and inclined them to hesitate in forming a connexion with us. Questions asked me, and observations made by several of the foreign Ministers here, convince me that the idle stories of our disunion, contempt of authority, refusal

to pay taxes, &c. have been too much credited, and been very injurious to our reputation.

I sent before a copy of the letter I wrote to the Grand Master of Malta, with a present of our medal. With this you will have a copy of his answer. I send also a copy of a note I received from the Pope's Nuncio. He is very civil on all occasions, and has mentioned the possibility of an advantageous trade America might have with the Ecclesiastical State, which he says has two good ports, Civita Vecchia, and ——.

This Court continues favorable to us. Count de Vergennes was resolute in refusing to sign the definitive treaty with England before ours was signed. The English Ministers were offended, but complied. I am convinced that Court will never cease endeavoring to disunite us. We shall, I hope, be constantly on our guard against those machinations, for our safety consists in a steady adherence to our friends, and our reputation in a faithful regard to treaties, and in a grateful conduct towards our benefactors.

I send herewith sundry memorials recommended to my care by Count de Vergennes, viz. one respecting a claim of Messieurs Fosters, of Bordeaux, one of M. Pequet, and one of M. Bayard. The Congress will take such notice of them as they shall think proper.

With great esteem, &c.

BENJAMIN FRANKLIN.

FROM BENJAMIN FRANKLIN TO LEWIS R. MORRIS.*

Passy, September 14, 1783.

Sir,

I received by the Washington, the bills and accounts mentioned in yours of the 5th June, and shall soon send you an account of the disposition of the money.

My account as stated by you appears to be correct.

With much esteem, &c.

BENJAMIN FRANKLIN.



FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

Bath, September 24, 1783.

My Dear Friend,

I am at present at Bath, with my dearest sister, whom I have found as well as I could have expected, and I hope with reasonable prospect of recovery in time. I have seen my friends in the ministry, and hope things will go on well; with them I am sure all is right and firm. The chief part of the Cabinet Ministers are out of town, but there will be a full cabinet held in a few days, in which a specific proposition, in the nature of a temporary convention, will be given in instructions to me. I imagine nearly upon the ground of my memorial of May 19th, 1783, which I delivered to the American Ministers, viz: "American ships not to bring foreign manufactures into Great Britain, nor to trade directly

* Mr. Morris was a Secretary in the Department of Foreign affairs.

between the British West Indies and Great Britain;" all the rest to be as before the war. I expect that something to this effect will be their determination in the affair, and if it should be so, I shall hope not to meet with difficulty on your parts. I want to see some specific beginning. As to any further proposition respecting the trade between Great Britain and the British West Indies, I doubt whether any such can be discussed before the meeting of Parliament. I wish to look forward not only to the continuation of peace between our two countries, but to the improvement of reconciliation into alliance, and therefore I wish the two parties to be disposed to accommodate each other, without the strict accounts by weights and scales, as between aliens and strangers, actuated towards each other by no other principle than cold and equalizing indifference. Friendly dispositions presumed have their fairest chance of being realized, but if we should set out presuming against them, the good which might have happened may be prevented. Pray remember me to your three colleagues, and to all friends.

Yours ever, most affectionately,

D. HARTLEY.

P. S. I have put in a word for our Quaker article, and I hope with some impression.



FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF
CONGRESS.

Passy, September 27, 1783.

Sir,

Mr. Thaxter, late Secretary of Mr. Adams, who is charged with all our despatches, that were intended to go

by the French packet boat, writes from L'Orient, that though he arrived there two days before the time appointed for her sailing, he missed reaching her by four hours; but another light vessel was fitting, and would sail the 21st instant, in which he hoped to arrive at New York, nearly as soon as the packet. We shall send duplicates by the next from hence.

In the meantime I enclose a printed copy of the Definitive Treaty, which I hear is ratified. Indeed we have the ratification of the preliminaries.

Mr. Hartley, when he left us, expected to return in three weeks, in order to proceed with us in forming a treaty of commerce. The new commission, that was intended for us, is not yet come to hand.

With great respect, I have the honor to be, sir, &c.

B. FRANKLIN.



FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, October 16, 1783.

My Dear Friend,

I have nothing material to write to you respecting public affairs, but I cannot let Mr. Adams, who will see you, go without a line to inquire after your welfare, to inform you of mine, and assure you of my constant respect and attachment.

I think with you, that your Quaker article is a good one and that men will in time have sense enough to adopt it; but I fear that time is not yet come.

What would you think of a proposition, if I should make it, of a compact between England, France, and America?

America would be as happy as the Sabine girls, if she could be the means of uniting in perpetual peace her father and her husband. What repeated follies are those repeated wars! You do not want to conquer and govern one another. Why then should you be continually employed in injuring and destroying one another? How many excellent things might have been done to promote the internal welfare of each country; what bridges, roads, canals, and other useful public works and institutions, tending to the common felicity, might have been made and established with the money and men foolishly spent, during the last seven centuries by our mad wars in doing one another mischief! You are near neighbors and each have very respectable qualities. Learn to be quiet and to respect each other's rights. You are all christians. One is *The Most Christian King*, and the other *Defender of the Faith*. Manifest the propriety of these titles by your future conduct. "By this," says Christ, "shall all men know that ye are my disciples, if ye love one another." Seek peace, and ensure it.

Adieu, yours, &c.

BENJAMIN FRANKLIN.

FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, October 22, 1783.

I received my dear friend's kind letter of the 4th instant from Bath, with your proposed temporary convention, which you desire me to show to my colleagues. They are both by this time in London, where you will undoubtedly see and converse with them on the subject.

The apprehension you mention, that the cement of the confederation may be annihilated, &c. has not, I think, any foundation. There is sense enough in America to take care of their own china vase. I see much in your papers about our divisions and distractions, but I hear little of them from America; and I know that most of the letters said to come from there with such accounts, are mere London fictions. I will consider attentively the proposition abovementioned, against the return of my colleagues, when I hope our commission will have arrived.

I rejoice to hear that your dear sister's recovery advances, and that your brother is well. Please to present my affectionate respects to them, and believe me ever yours, &c.

BENJAMIN FRANKLIN.



GIACOMO FRANCISCO CROCCO TO B. FRANKLIN.

Cadiz, November 25, 1783.

Sir,

On the 15th of July last, I had the honor to acquaint your Excellency of my arrival in Europe, and that I was appointed by his Majesty, the Emperor of Morocco, bearer of the answer to the Congress, Sovereign of the Thirteen United States of North America, and that according to my instructions, I was to meet at Paris the Ambassador, that would be appointed by Congress, to sign at the Court of Morocco, the treaty of peace and commerce, agreeably to the proposals made to his Imperial Majesty, by Robert Montgomery, in his letter dated at Alicant, the 4th of January, 1783. Since I have been

at the Court of Madrid, where I had some commissions from the Emperor, and to see the execution of them, I came to this place, from whence I intend to embark in three or four months for Barbary, unless in the meantime I should receive an answer from your Excellency, with orders, that Mr. Richard Harrison should give me, for my travelling charges, fifteen hundred hard dollars, although the Courts of Europe are accustomed to allow the Minister of my master at the rate of ten pounds sterling per day, while they are in Europe, to defray their expenses, besides presents for their good offices in those important affairs.

His Imperial Majesty was graciously pleased at my solicitation to agree at the request of Congress, to grant them a treaty of peace, (which other powers of Europe could not obtain but after many years,) and my return, without the full execution of his commands, I apprehend may forever indispose him against the United Provinces.

I remain most truly, sir, &c.

GIACOMO FRANCISCO CROCCO.

FROM B. FRANKLIN TO GIACOMO FRANCISCO CROCCO.

Passy, December 15, 1783,

Sir,

I have just received the letter you did me the honor of writing to me the 25th past. I did indeed receive your former letter of July, but being totally a stranger to the mentioned proceedings of Mr. Montgomery, and having no orders from Congress on the subject, I knew not how to give you any satisfactory answer, till I should receive

further information ; and I communicated your letter to Mr. Jay, Minister of the United States for Spain, in whose district Mr. Montgomery is, and who is more at hand than I am for commencing that negotiation.

Mr. Jay, who is at present in England, has possibly written to you, though his letter may have miscarried, to acquaint you, that Mr. Montgomery had probably no authority from Congress to take the step he has done, and that it was not likely that they, desiring to make a treaty with the Emperor, would think of putting his Majesty to the trouble of sending a person to Paris to receive and conduct their Minister, since they have ships, and could easily land him at Cadiz, or present him at one of the Emperor's ports. We have, however, written to Congress acquainting them with what we had been informed, of the good and favorable disposition of his Imperial Majesty, to enter into a treaty of amity and commerce with the United States, and we have no doubt but that, as soon as their affairs are a little settled, which, by so severe a war carried on in the bowels of their country, by one of the most powerful nations of Europe, have necessarily been much deranged, they will readily manifest equally good dispositions, and take all the proper steps to cultivate and secure the friendship of a monarch, whose character I know they have long esteemed and respected.

I am, sir, &c.

B. FRANKLIN.

FROM BENJAMIN FRANKLIN TO WILLIAM CARMICHAEL.

Passy, December 15, 1783.

My dear Friend,

I am much concerned to find by your letter to my grandson, that you are hurt by my long silence, and that you ascribe it to a supposed diminution of my friendship. Believe me, that is by no means the case, but I am too much harrassed by a variety of correspondence, together with gout and gravel, which induce me to postpone doing what I often fully intend to do, and particularly writing, where the urgent necessity of business does not seem to require its being done immediately, my sitting too much at the desk having already almost killed me, besides, since Mr. Jay's residence here, I imagined he might keep you fully informed of what was material for you to know, and I beg you to be assured of my constant and sincere esteem and affection.

I do not know whether you have been informed, that a Mr. Montgomery, who lives at Alicant, took upon himself, (for I think he had no authority,) to make overtures last winter in behalf of our States, towards a treaty with the Emperor of Morocco. In consequence of his proceedings, I received a letter in August, from a person who acquainted me, that he was arrived in Spain by the Emperor's order, and was to come to Paris, there to receive and conduct to Morocco, the Minister of Congress, appointed to make that treaty, intimating at the same time an expectation of money to defray his expenses. I communicated the letter to Mr. Jay. The conduct of Mr. Montgomery appeared to us very extraordinary and irregular, and the idea of a messenger from Morocco

coming to Paris, to meet and conduct a Minister of Congress, appearing absurd and extravagant, as well as the demand of money by a person unknown. I made no answer to the letter, and I know not whether Mr. Jay made any to Mr. Montgomery, who wrote about the same time. But I have lately received another letter from the same person, a copy of which I enclose, together with my answer, open for your perusal, and it is submitted to your discretion whether to forward it or not. The Mr. Crocco who writes to me, having been, as he says, at Madrid, you possibly may know more of him than I can, and judge whether he is really a person in credit with the Emperor, and sent as he pretends to be, or not rather an *Escroc*, as the French call cheats and impostors.

I would not be wanting in any thing proper for me to do, towards keeping that Prince in good humor with us, till the pleasure of Congress is known, and therefore would answer Mr. Crocco if he be in his employ; but am loth to commit myself in correspondence with a *Fripou*. It will be strange if, being at Madrid, he did not address himself to you.

With great and unalterable regard, I am ever, my dear friend, yours most affectionately,

B. FRANKLIN.

FROM BENJAMIN FRANKLIN TO ROBERT MORRIS.

Passy, December 25, 1788.

Sir,

The remissness of our people in paying taxes is highly blameable, the unwillingness to pay them is still more

20. I see in some resolutions of town meetings, a remonstrance against giving Congress a power to take, as they call it, *the people's money* out of their pockets, though only to pay the interest and principal of debts duly contracted. They seem to mistake the point. Money justly due from the people, is their creditor's money, and no longer the money of the people, who, if they withhold it, should be compelled to pay by some law. All property, indeed, except the savage's temporary cabin, his bow, his matchuat, and other little acquisitions absolutely necessary for his subsistence, seems to me to be the creature of public convention. Hence the public has the right of regulating descents, and all other conveyances of property, and even of limiting the quantity and uses of it. All the property that is necessary to a man for the conservation of the individual, and the propagation of the species, is his natural right, which none can justly deprive him of; but all property superfluous to such purposes is the property of the public, who by their laws have created it, and who may, therefore, by other laws, dispose of it, whenever the welfare of the public shall desire such disposition. He that does not like civil society on these terms, let him retire and live among the savages. He can have no right to the benefits of society, who will not pay his club towards the support of it.

The Marquis de la Fayette, who loves to be employed in our affairs, and is often very useful, has lately had several conversations with the Ministers and persons concerned in forming new regulations, respecting the commerce between our two countries, which are not yet concluded. I thought it therefore well to communicate

to him a copy of your letter, which contains so many sensible and just observations on that subject. He will make a proper use of them, and perhaps they may have more weight, as appearing to come from a Frenchman, than they would have if it were known, that they were the observations of an American. I perfectly agree with you in all the sentiments you have expressed on this occasion.

I am sorry for the public's sake, that you are about to quit your office, but on personal considerations, I shall congratulate you ; for I cannot conceive of a more happy man, than he, who having been long loaded with public cares, finds himself relieved from them, and enjoying private repose, in the bosom of his friends and family.

With sincere regard, &c.

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF
CONGRESS.

Passy, December 26, 1783.

Sir,

If the Congress should think it fit to have a Consul for the United States in London, and do not appoint one of our own countrymen to that office, I beg leave to mention the merits of Mr. William Hodgson, a merchant of that city, who has always been a zealous friend of America, was a principal promoter of the subscription for the relief of American prisoners, and chairman of the committee for dispensing the money raised by

that subscription. He also took the trouble of applying the moneys I furnished him with, when the subscription was exhausted, and constantly assisted me in all the negotiations I had with the British Ministers, in their favor, wherein he generally succeeded, being a man of weight and credit, very active, and much esteemed for his probity and integrity. These his services, continued steadily during the whole war, seem to entitle him to the favorable notice of Congress, when any occasion offers of doing him service or pleasure.

With great respect I have the honor to be, &c,
B. FRANKLIN.



FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

London, March 2, 1784.

My Dear Friend,

Will you be so good as to transmit the enclosed to Mr. Jay? I am sorry that we are going to lose him from this side of the Atlantic. If your American ratification should arrive speedily, I might hope to have the pleasure of seeing him again before his departure. As soon as I hear from you of the arrival of your ratification, I will immediately apply for the despatch of the British ratification. I wish very much to have the pleasure of conversing with you again. In hopes that that time may come soon, I have nothing further to say at present. Believe me always to be, what you have always known me to have been, a friend of general philanthropy, and particularly your ever most affectionate,

D. HARTLEY.

FROM BENJAMIN FRANKLIN TO CHARLES THOMPSON.

Passy, March 9, 1784.

Sir,

I received a few days since a letter from Annapolis, dated June the 5th, in your hand writing, but not signed, acquainting the Commissioners with the causes of delay, in sending the ratification of the Definitive Treaty. The term was expired before that letter came to hand, but I hope no difficulty will arise from a failure in a point not essential, and which was occasioned by accidents. I have just received from Mr. Hartley, a letter on the subject, of which I enclose a copy.

We have had a terrible winter, too, here, such as the oldest men do not remember, and indeed it has been very severe all over Europe.

I have exchanged ratifications with the Ambassador of Sweden, and enclose a copy of that I received from him.

Mr. Jay is lately returned from England. Mr. Laurens is still there, but proposes departing for America next month, as does also Mr. Jay, with his family. Mr. Adams is in Holland, where he has been detained by business and bad weather. These absences have occasioned some delays in our business, but not of much importance.

The war long expected between the Turks and Russians is prevented by a treaty, and it is thought an accommodation will likewise take place between them and the Emperor. Every thing here continues friendly and favorable to the United States. I am pestered continually with numbers of letters from people in different parts of

Europe, who would go to settle in America, but who manifest very extravagant expectations, such as I can by no means encourage, and who appear otherwise to be very improper persons. To save myself trouble, I have just printed some copies of the enclosed little piece, which I purpose to send hereafter in answer to such letters.

Be pleased to present my dutiful respects to Congress, and believe me to be, with sincere esteem, &c.

B. FRANKLIN.

FROM BENJAMIN FRANKLIN AND JOHN JAY TO THE
PRESIDENT OF CONGRESS.

Passy, April 16, 1784.

Sir,

We duly received the letters your Excellency did us the honor of writing to us the 14th of January, by Colonel Harmar and Lieut. Col. David Franks, with the ratification of the definitive treaty, the proclamation, and the recommendatory resolves of Congress. On the arrival of Col. Harmar, we immediately wrote to Mr. Hartley, acquainting him that we were now ready to exchange with him; sending him at the same time copies of the proclamation and resolutions. We have this day received from him the enclosed answer, and we expect he will soon be here, and put, with us, the finishing hand to this important business.

With great respect, we have to be, &c.

B. FRANKLIN.

JOHN JAY.

FROM D. HARTLEY TO BENJAMIN FRANKLIN AND JOHN
JAY.

April 9, 1784.

Gentlemen,

I have received the honor of your letter dated March 21, 1784, with the enclosures, which I have communicated to his Majesty's Ministers. I have the pleasure to inform you that the ratification on our part is now making out; and that I have received orders to prepare for the exchange at Paris, with all convenient speed.

Before my departure, I shall propose such general sentiments for the consideration of his Majesty's Ministers, as have occurred to me in our former negotiations; my utmost wish at all times being to give every possible assistance in my power, to effect a cordial and conciliatory intercourse and connexion between our countries.

I have the honor to be, &c.

D. HARTLEY.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF
CONGRESS.

Paris, May 12, 1784.

Sir,

In my last I acquainted your Excellency that Mr. Hartley was soon expected here to exchange ratifications of the Definitive Treaty. He is now arrived and proposes to make the exchange this afternoon. I shall then be enabled to send a copy. Enclosed is the new British proclamation respecting our trade with their Colonies. It

is said to be a temporary provision till Parliament can assemble and make some proper regulating law, or till a commercial treaty shall be framed and agreed to. Mr. Hartley expects instructions for planning with us such a treaty. The Ministry are supposed to have been too busy with the new elections, when he left London to think of those matters.

This Court has not completed its intended new system for the trade of their Colonies, so that I cannot give a certain account of the advantages that will in fine be allowed us. At present it is said we are to have two free ports, Tobago and the Mole, and that we may carry lumber and all sorts of provisions to the rest, except flour, which is reserved in favor of Bordeaux, and that we shall be permitted to export coffee, rum, molasses and some sugar, for our own consumption.

We have had under consideration a commercial treaty proposed to us by the King of Prussia, and have sent it back with our remarks to Mr. Adams, who will I suppose transmit it immediately to Congress; those planned with Denmark and Portugal wait its determination.

Be pleased to present my dutiful respects to the Congress, and believe me to be, with sincere and great esteem, sir, &c.

B. FRANKLIN.

May 13th. I now enclose a copy of the ratification of the Definitive Treaty, on the part of his Britannic Majesty.

FROM DAVID HARTLEY TO BENJAMIN FRANKLIN.

Paris, June 1, 1784.

Sir,

I have the honor to inform you, that I have transmitted to London the ratification on the part of Congress of the Definitive Treaty of peace, between Great Britain and the United States of America, and I am ordered to represent to you, that a want of form appears in the first paragraph of that instrument, wherein the United States are mentioned before his Majesty, contrary to the established custom in every treaty, in which a crowned head and a republic are parties. It is likewise to be observed, that the term definitive *articles* is used instead of definitive *treaty*, and the conclusion appears likewise deficient, as it is neither signed by the President, nor is it dated, and consequently, is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument.

I am ordered to propose to you, sir, that these defects in the ratification should be corrected, which might very easily be done, either by signing a declaration in the name of Congress for preventing the particular mode of expression, so far as it relates to precedency in the first paragraph, being considered as a precedent to be adopted on any future occasion, or else by having a new copy made out in America, in which these mistakes should be corrected, and which might be done without any prejudice arising to either of the parties from the delay.

I am, sir, with great respect, &c.

DAVID HARTLEY.

FROM BENJAMIN FRANKLIN TO DAVID HARTLEY.

Passy, June 2, 1784.

Sir,

I have considered the observations you did me the honor of communicating to me, concerning certain inaccuracies of expression, and supposed defects of formality, in the instrument of ratification, some of which are said to be of such a nature as to affect the validity of the instrument.

The first is, "that the United States are named before his Majesty, contrary to the established custom observed in every treaty in which a crowned head and a republic are the contracting parties." With respect to this, it seems to me we should distinguish between that act in which both join, to wit, the treaty, and that which is the act of each separately, the ratification. It is necessary, that all the modes of expression in the joint act should be agreed to by both parties, though in their separate acts each party is master of, and alone unaccountable for its own mode. And, on inspecting the treaty, it will be found that his Majesty is always regularly named before the United States. Thus, "the established custom *in treaties* between crowned heads and republics," contended for on your part, is strictly observed; and the ratification following the treaty contains these words. "Now know ye, that we, the United States in Congress assembled, having seen and considered the definitive articles aforesaid, have *approved, ratified and confirmed*, and by these presents do *approve, ratify and confirm* the said articles, AND EVERY PART AND CLAUSE THEREOF," &c. Hereby all those articles, parts and clauses, wherein the

King is named before the United States, are *approved*, *ratified* and *confirmed*, and this solemnly under the signature of the President of Congress, with the public seal affixed by their order, and countersigned by their Secretary.

No declaration on the subject more determinate or more authentic, can possibly be made or given, which, when considered, may probably induce his Majesty's Ministers to waive the proposition of our signing a similar declaration, or of sending back the ratification to be corrected in this point, neither appearing to be really necessary. I will, however, if it be still desired, transmit to Congress the observation, and the difficulty occasioned by it, and request their orders upon it. In the meantime I may venture to say, that I am confident there was no intention of affronting his Majesty, by their order of nomination; but that it resulted merely from that sort of complaisance, which every nation seems to have for itself, and of that respect for its own government, customarily so expressed in its own acts, of which the English, among the rest, afford an instance, when, in the title of the King, they always name Great Britain before France.

The second objection is, "that the term *definitive articles* is used instead of *definitive treaty*." If the words *definitive treaty*, had been used in the ratification instead of *definitive articles*, it might have been more correct, though the difference seems not great nor of much importance, as in the treaty itself it is called the present *Definitive Treaty*.

The other objections are, "that the conclusion likewise appears deficient, as it is neither signed by the President,

nor is it dated, and consequently is wanting in some of the most essential points of form necessary towards authenticating the validity of the instrument." The situation of seals and signatures, in public instruments, differs in different countries, though all equally valid; for when all the parts of an instrument are connected by a ribband, whose ends are secured under the impression of the seal, the signature and seal, wherever placed, are understood as relating to and authenticating the whole. Our usage is, to place them both together in the broad margin near the beginning of the piece, and so they stand in the present ratification, the concluding words of which declare the intention of such signing and sealing to be giving authenticity to the whole instrument, viz: "*In testimony whereof, We have caused the seal of the United States to be hereunto affixed; Witness his Excellency Thomas Mifflin, Esquire, President;*" and the date supposed to be omitted, perhaps from its not appearing in figures, is nevertheless to be found written in words at length, viz: "this fourteenth day of January, in the year of our Lord one thousand seven hundred and eighty-four," which made the figures unnecessary.

With great esteem and respect, &c.

B. FRANKLIN.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, June 16, 1784.

Sir,

My letter by Mr. Jay acquainted your Excellency, that the ratifications of the definitive treaty were exchanged. A copy of the British part was also sent by him.

Mr. Hartley remained here expecting instructions to treat with us on the subject of commerce. The bustle attending a new election and meeting of Parliament, he imagined, might occasion the long delay of those instructions. He now thinks that the affair of the American trade, being under the consideration of Parliament, it is probable no treaty will be proposed till the result is known. Mr. Jay, who sailed for America the first instant from Dover, and who saw there several of our friends from London before his departure, and Mr. Laurens, who left London on the 6th to go on in the Falmouth packet, will be able to give you more perfect informations than I can, of what may be expected as the determination of the British government, respecting our intercourse with their Islands; and, therefore, I omit my conjectures, only mentioning, that from various circumstances, there seems to be some lurking remains of ill humor there, and of resentment against us, which only wants a favorable opportunity to manifest itself.

This makes it more necessary for us to be upon our guard, and prepared for events, that a change in the affairs of Europe may produce; its tranquillity depending, perhaps, on the life of one man, and it being impossible to foresee in what situation a new arrangement of its various interests may place us. Ours will be respected in proportion to the apparent solidity of our government, the support of our credit, the maintenance of a good understanding with our friends, and our readiness for defence. All which I persuade myself will be taken care of.

Enclosed I send a copy of a letter from Mr. Hartley to me, respecting some supposed defects in the ratifica-

tion, together with my answer, which he has transmitted to London. The objections appeared to me trivial and absurd; but I thought it prudent to treat them with as much decency as I could, lest the ill temper should be augmented, which might be particularly inconvenient, while the commerce was under consideration. There has not yet been time for Mr. Hartley to hear whether my answer has been satisfactory, or whether the Ministers will still insist on my sending for an amended copy from America, as they proposed.

I do not perceive the least diminution in the good disposition of this Court towards us, and I hope care will be taken to preserve it.

The Marquis de la Fayette, who will have the honor of delivering this to you, has, ever since his arrival in Europe, been very industrious in his endeavors to serve us and promote our interest, and has been of great use on several occasions. I should wish the Congress might think fit to express, in some proper manner, their sense of his merit.

My malady prevents my going to Versailles, as I cannot bear a carriage upon pavement, but my grandson goes regularly on Court days to supply my place, and is well received there. The last letters I have had the honor of receiving from you, are of 14th of January.

With great respect, I am, sir, &c.

B. FRANKLIN.

FROM BENJAMIN FRANKLIN TO COUNT DE MERCY
ARGENTEAU.

Passy, July 30, 1784.

Sir,

I have the honor to communicate to your Excellency an extract from the instructions of Congress to their late Commissioners for treating of Peace, expressing their desire to cultivate the friendship of his Imperial Majesty, and to enter into a treaty of commerce for the mutual advantage of his subjects and the citizens of the United States, which I request you will be pleased to lay before his Majesty. The appointing and instructing Commissioners for treaties of commerce with the powers of Europe generally has, by various circumstances, been long delayed, but is now done, and I have just received advice, that Mr. Jefferson, late Governor of Virginia, commissioned with Mr. Adams, our Minister in Holland, and myself, for that service, is on his way hither, and may be expected by the end of August, when we shall be ready to enter into a treaty with his Imperial Majesty for the above purposes, if such should be his pleasure.

With great and sincere respect, &c.

B. FRANKLIN.



FROM COUNT DE MERCY ARGENTEAU TO B. FRANKLIN.

Translation.

Paris, July 30, 1784.

Sir,

I received the letter you did me the honor to write to me this morning, and I shall lose no time to transmit the contents to my Court.

The sentiments of the Emperor towards the United States of America make me foresee the satisfaction, which his Majesty will have to enter into reciprocal, suitable, and advantageous connexions with them. I have not the least doubt but that measures will be instantly taken on this subject to concert with you, sir, and with the appointed Ministers Plenipotentiary, and as soon as the answer from my Court shall come, I shall instantly communicate it to you.

I have the honor to be, &c.

DE MERCY ARGENTEAU.



FROM THE COUNT DE VERGENNES TO B. FRANKLIN.

Translation.

Versailles, August 27, 1784.

Sir,

You have communicated to me an extract from the instructions which Congress addressed to you on the 11th of May last, which imports that the United States will in no case treat any other nation with respect to commerce more advantageously than the French. This disposition is much the wisest, as it will prevent those misunderstandings, which might arise from the equivocal terms in which the 2nd article of the treaty of Amity and Commerce, signed February 6th, 1778, is conceived. But that the resolution of Congress on this subject may be clearly stated, it would be best, sir, that you furnish me with it in the form of a declaration, or at least in an official note, signed by yourself. I have no doubt that you will adopt one of these two forms. I have the honor to be, &c.

DE VERGENNES.

FROM B. FRANKLIN TO COUNT DE VERGENNES.

Passy, September 3, 1784.

Sir,

I have the honor to transmit to your Excellency, by order of Congress, a resolution of theirs, dated the 11th of May last, which is in the words following, viz :

“ *Resolved*, That Doctor Franklin be instructed to express to the Court of France, the constant desire of Congress to meet their wishes ; that these States are about to form a general system of commerce, by treaties with other nations ; that, at this time they cannot foresee what claim might be given to those nations by the explanatory propositions from the Count de Vergennes, on the 2nd and 3rd articles of our treaty of Amity and Commerce with his most Christian Majesty, but that he may be assured it will be our constant care to place no people on more advantageous grounds than the subjects of his Majesty.”

With great respect, I am, &c.

B. FRANKLIN.

—•••—
FROM MR. GRAND TO BENJAMIN FRANKLIN.

Translation.

Paris, August 28, 1784.

Sir,

Mr. Morris, in his former letter of May 27th, informs me that he was waiting for an opportunity to answer me on the subject of the funds of the United States, all my letters having advised him of my wants. This opportunity has offered, as I have received several of his letters since, but there is no mention made in either of them

of this object, notwithstanding its importance; and although I have made known to him that the funds left me were not sufficient to meet the current expenses, and that it was necessary besides, to provide for the payment of interest due to the Government, amounting, according to Mr. Gojard's calculation, to eight hundred thirty-seven thousand five hundred livres. Yet, notwithstanding so misplaced a silence, willing to judge more favorably of Mr. Morris than appearances warranted, and in consequence of my feelings and zeal, I could not refuse to continue the payment of what has been presented to me, such as salaries, loan office drafts, &c. persuaded as I was, that I should not be left long in arrear of my advances, which amount, this day, to nearly fifty thousand livres. But far from attending to this affair, it seems, on the contrary, that he does not even think of it. I have a painful and additional proof of this, in a letter which I have just received from Mr. Morris, bearing date August 12th, in which there is no more mention made of the Superintendent of Finances, than if he never existed. It gives me, truly, great uneasiness, not on account of my actual advances, but for future ones, to which, notwithstanding my own inclination, I shall be obliged to set bounds, if I do not soon receive funds.

I have thought it my duty, sir, to apprise you of the situation of affairs, and at all events to give you these details for my own justification. If I should suffer by such a resolution, I shall have at least the consolation to think that I have done all in my power, and all that could be expected from the zeal, by which I have been constantly animated. I hope, sir, that you will do me the justice to

think so, and that you will accept the respectful sentiments with which I am, sir,

Your very humble and very obedient servant,
GRAND.



FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Translation.

Versailles, September 9, 1784.

Sir,

I have received the letter, which you did me the honor to write me the third instant. You there declare in the name of Congress, that the United States will be careful not to treat any other nation, in matters of commerce, more advantageously than the French nation. This declaration, founded on the treaty of the 6th of February, 1778, has been very agreeable to the King; and you, sir, can assure Congress, that the United States shall constantly experience a perfect reciprocity in France.

I have the honor to be, &c.

DE VERGENNES.



FROM COUNT DE MERCY ARGENTEAU TO BENJAMIN
FRANKLIN.

Translation.

Paris, September 28, 1784.

Sir,

With respect to the proposition of the United States of America, that I forwarded to my Court, concerning the arrangements of commerce to be adopted by the re-

spective powers, I have received the order, sir, which I have the honor to communicate to you, that his Majesty, the Emperor, has agreed to the said proposition, and that he has directed the Government General of the Low Countries to adopt measures to put it in execution.

When the particulars respecting this matter shall be sent to me, I will instantly communicate them.

I avail myself of this opportunity to renew the assurances of the most perfect attachment, with which I have the honor to be, &c.

DE MERCY ARGENTEAU.

FROM BENJAMIN FRANKLIN TO CHARLES THOMPSON.

Passy, October 16, 1784.

Dear Sir,

It was intended by the commissioners to write a joint letter to Congress, but I am afraid the opportunity may be missed. This may serve to inform you, that propositions of treating have been made by us to all the powers of Europe, according to our instructions, and we are waiting for their answers. There are apprehensions here of a war between the Emperor and Holland; but, as the season is not proper for opening a campaign, I hope the winter will give time for mediators to accommodate matters. We have not yet heard that Mr. Jay has accepted the Secretaryship of Foreign Affairs.

I am ever, my dear friend, yours most affectionately,
BENJAMIN FRANKLIN.

FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Versailles, October 30, 1784.

Sir,

I am informed by a letter from M. de Marbois, dated Philadelphia, August 24th ultimo, that he had communicated with Mr. Morris respecting the interest of the loan of Holland made on account of the United States of America, under the guarantee of the King; also for the other debts of said States towards his Majesty, acknowledged and stipulated in the contracts passed between us on the 16th July and 25th February, 1783.

M. de Marbois informs me, that in pursuance of his conversation and correspondence on this matter, with the Superintendent of Finances, Mr. Gouverneur Morris, his assistant took the trouble to call on him, and has verbally announced to him, that the Superintendent would be able to cause to be paid at the treasury, the four hundred thousand livres, being the amount of interest due in November next, on the loan of ten millions guaranteed by the King; and that orders would be sent in consequence to Amsterdam, as well as to Mr. Grand, at Paris. I have no doubt, but that this banker has already received the orders and necessary instructions to fulfil this object, and also for the execution of the other engagements made by Congress, stipulated in the two contracts abovementioned. I mean by this, the interest and such part of the capital of the debt of the United States, to his Majesty, as will become due next year. Although I have no doubts as to their punctuality to fulfil their engagements on this point, yet, sir, I think it my duty to bring them to your recollection, wishing you to write on the subject to the gen-

eral Congress, in order that they may, beforehand, take the necessary measures for the execution of the points agreed upon by our treaties. I will be much obliged to you to inform me of the steps you have taken on this subject, and afterwards of the resolutions of Congress accordingly. In the meantime, I have first communicated M. de Marbois' opinion to the Comptroller General, and have desired him to consult on the subject with Mr. Grand, who must have received orders from Congress touching the interest of the Dutch loan.

I have the honor to be, &c.

DE VERGENNES.

FROM BENJAMIN FRANKLIN TO CHARLES THOMPSON.

Passy, November 11, 1784.

Dear Friend,

I received your kind letter of August 13th, with the papers annexed, relative to the affair of Longchamps. I hope satisfaction will be given to M. Marbois. The commissioners have written a joint letter to Congress. This serves to cover a few papers relative to matters with which I was particularly charged in the instructions. I shall write to you fully by the next opportunity, having now only time to add, that I am as ever,

Yours most affectionately,

BENJAMIN FRANKLIN.

P. S. I executed the instructions of October 29th, 1783, as soon as I knew the commissions for treating with the Emperor, &c. were issued, which was not till July, 1784. The three letters between the Emperor's Minister and me, are what passed on that occasion.

B. F.

FROM BENJAMIN FRANKLIN TO M. GRAND.

Passy, January 9, 1785.

Sir,

I received your letter of the 29th past, with the state of the interest money claimed by the Department of Finance, as due the first inst. the accounts of your advances for the United States, and a copy of the letters of Messrs. Willink and Staphorst, offering you, by order of Mr. Morris, four hundred thousand livres, the sum due in November last, for the interest of the Dutch loan, on all which, you propose it for consideration, whether (that interest being already advanced for us, and duly paid by this Government, according to its guarantees) it would not be more prudent to delay the full re-imbusement of that sum, reserving one-half to answer the still arriving old Loan Office drafts, Minister's salaries and contingent expenses, and to re-imburse you of your advances, unless Messrs. Willink and Staphorst, having more money of the States in their hands, would on an order from us, advance two hundred thousand livres, which are necessary for those purposes. I communicated your letter, with the other papers, to Mr. Adams, under whose directions the loans managed by Messrs. W. & S. have been transacted. He undertook to write to those gentlemen for information, what money they might have on hand beyond four hundred thousand livres; and they have written in answer, that the two loans being nearly full, they shall have (if I remember right) above a million of florins, which would discharge honorably all our engagements to this Court, a thing I much wish would be done; but Mr. Adams alleges that he has no power to

draw on or dispose of that fund, without orders from Congress; and Mr. Jefferson and myself have, without him, no such power. I have since received your letter of the 5th instant, on the same subject, and being of opinion with you, that (unless there be reasons for delaying the payment, which we are unacquainted with) the Congress cannot be pleased with this breach of punctuality, while they have money lying dead in the hands of those merchants in Holland. I communicated also this, your second letter, to Mr. Adams, but he continues of the same opinion, and was rather displeased with my importunity, so that I can carry it no farther.

With regard to your request that I would give you orders in writing for the payment to Government of a part of the four hundred thousand livres, it does not seem necessary or proper for me to give such orders. I can only give you my opinion of what I should do were I in your case. Your advances have been considerable, the inconveniency to you not little, the mentioned sum has already been advanced for the States by this Government, and our credit in Holland thereby saved till the next year's interest becomes due, before which time, funds will probably be prepared for the regular discharge of all interests due to our European creditors. I would, therefore, at least retain the re-imbusement of any advances, and sufficient to pay the salaries engaged for to the end of 1784, and discharge the probable demands by Loan Office bills still coming, for there is no reason why you should continue longer in advance, or advance farther.

The House of Fizeaux & Grand have written to me that they have drawn on me for the last year's interest of their loan. You will please to pay the draft as usual.

Do you think it probable, in the present state of things, that loan could now be extended? if so, I still have by me the promises and compact which that House returned to me.

I have the honor to be, &c.

B. FRANKLIN.

FROM M. GRAND TO THE COMMISSIONERS OF THE
TREASURY.

Paris, February 8, 1785.

Gentlemen,

I take the liberty to refer you to my last respects, dated the 30th September, 1784, which I forwarded by duplicates, with the account current of the States, closed by a balance due to me of Liv. 38,592. 18. 9.

I have the honor to acquaint you, gentlemen, that a few days after I received from Messrs. William & Jan Wil-link, Nicolas & Jacob Van Staphorst, and De la Lande & Fynje, under date of 2d December, a remittance of several bills, amounting to Liv. 400,131.6.6, which, as they fall due, shall be carried to the credit of the United States, as well as several others, enclosed in a letter from the same gentlemen, dated the 30th December, amounting to Liv. 217,463.3.10, the particulars whereof will be found in the next extract of the account current of the States, which I shall have the honor to transmit.

According to the orders of the Honorable Robert Morris, Esq. I have taken due note of several bills which he advised me, under date of the 4th October, having drawn on me, amounting together to Liv. 113,088.10.9,

which shall be exactly discharged; and I have paid to General Armand, whose receipt I here enclose, Liv. 33,794.13.11, wherewith the States will likewise be debited, as well as with Liv. 23,329.4, for the amount of several sums paid by Mr. Morris per order for interest on the certificates granted to the foreign officers, whose receipts will also be annexed to this letter, and I shall continue to pay the like objects mentioned in the list which this gentlemen transmitted to me for this purpose.

General Armand having sent over to America his certificate for the abovementioned Liv. 33,794.13.11, I desired his Excellency Dr. Franklin's approbation of my paying the said sum, and he was pleased to signify it to me, on General Armand's promise to deliver the certificate.

You will, gentlemen, have seen, out of my sincere respects, how anxious I was to be enabled to discharge several engagements of the States, many of which are now due. I applied in consequence, to their Excellencies, Dr. Franklin and John Adams, Esq. in order to get some part of the money lying dead in Holland remitted to me and paid to Government, and it was not without much concern that I saw the want of success of my reiterated entreaties to gain that point. I beg leave to lay before your eyes, a copy of the last letter which Dr. Franklin wrote me on this subject. My earnest wish is, that you may, gentlemen, have now adopted such measures whereby the claims of our Government may be answered, and the credit of the United States daily strengthened. I shall be happy to hear of them.

His Excellency Dr. Franklin, having been so kind as to apply to Messrs. Le Couteulx & Co. in order to know

what balance they might throw into my hands for account of the United States, I hear with concern, that it consists but in a very slender sum of about Liv. 19,000, which is of no consideration, if compared with the claims of our Government.

I cannot take upon myself to make him the tender of part only of the Liv. 400,000 due for interest on the Dutch loan, and I shall wait your orders, gentlemen, before I take a step which in my opinion, would rather be beneath the dignity of Congress. Should, however, Government become urgent on this head, I should then offer them what would at that moment be found of vacant funds in my hands.

Being with great truth and respect, gentlemen, &c.

GRAND.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, February 8, 1785.

Sir,

I received by the Marquis de la Fayette, the two letters you did me the honor of writing to me the 11th and 14th of December, the one enclosing a letter from Congress to the King, the other a resolve of Congress respecting the convention for establishing Consuls. The letter was immediately delivered and well received. The resolve came too late to suspend signing the convention, it having been done July last, and a copy sent so long since, that we now expected the ratification. As that copy seems to have miscarried, I now send another.

I am not informed what objection has arisen in Con-

gress to the plan sent me. Mr. Jefferson thinks it may have been to the part, which restrained the Consuls from all concern in commerce. That article was omitted, being thought unnecessary to be stipulated, since either party would always have the power of imposing such restraints on its own officers, whenever it should think fit. I am however, of opinion that this or any other reasonable article or alteration may be obtained at the desire of Congress, and established by a supplement.

Permit me, sir, to congratulate you on your being called to the high honor of presiding in our national councils, and to wish you every felicity, being with the most perfect esteem, &c.

B. FRANKLIN.

FROM B. FRANKLIN TO THE PRESIDENT OF CONGRESS.

Passy, April 12, 1785.

Sir,

M. de Chaumont, who will have the honor of presenting this fine to your Excellency, is a young gentlemen of excellent character, whose father was one of our most early friends in this country, which he manifested by crediting us with a thousand barrels of gunpowder and other military stores in 1776, before we had provided any apparent means of payment. He has, as I understand, some demands to make on Congress, the nature of which I am unacquainted with; but my regard for the family makes me wish that they may obtain a speedy consideration, and such favorable issue as they may appear to merit.

To this end I beg leave to recommend him to your countenance and protection, and am with great respect, &c.

B. FRANKLIN.



FROM BENJAMIN FRANKLIN TO COUNT DE VERGENNES.

Passy May 3, 1785.

Sir,

I have the honor to acquaint your Excellency, that I have at length obtained, and yesterday received, the permission of Congress to return to America. As my malady makes it impracticable for me to pay my devoirs at Versailles personally, may I beg the favor of you, sir, to express respectfully for me to his Majesty, the deep sense I have of all the inestimable benefits his goodness has conferred on my country; a sentiment that it will be the business of the little remainder of life now left me, to impress equally on the minds of all my countrymen. My sincere prayers are, that God may shower down his blessings on the King, the Queen, their children, and all the royal family, to the latest generations!

Permit me, at the same time, to offer you my thankful acknowledgments for the protection and countenance you afforded me at my arrival, and your many favors during my residence here, of which I shall always retain the most grateful remembrance.

My grandson would have had the honor of waiting on you with this letter, but he has been some time ill of a fever.

With the greatest esteem and respect, and best wishes

for the constant prosperity of yourself, and all your amiable family, I am, sir, your Excellency's most obedient and most humble servant,

BENJAMIN FRANKLIN.

FROM MONSIEUR DE RAYNEVAL TO BENJAMIN FRANKLIN.

Translation.

Versailles, May 8, 1785.

Sir,

I have learned with the greatest concern, that you are soon to leave us. You will carry with you the affections of all France, for nobody has been more esteemed than you. I shall call on you at Passy, to desire you to retain for me a share in your remembrance, and renew to you personally the assurances of the most perfect attachment, with which I have the honor to be, sir, &c.

DE RAYNEVAL.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Passy, May 10, 1785.

Dear Sir,

I received your kind letter of the 8th of March, enclosing the resolution of Congress, permitting my return to America, for which I am very thankful, and am now preparing to depart the first good opportunity. Next to the pleasure of rejoining my own family will be that of seeing you and yours well and happy, and embracing once more my little friend, whose singular attachment to me I shall always remember.

I shall be glad to render any acceptable services to Mr. Randall. I conveyed the bayberry wax to Abbé de Chalut, with your compliments, as you desired. He returns his with many thanks. Be pleased to make my respectful compliments acceptable to Mrs. Jay, and believe me ever, with sincere and great respect and esteem, &c.

BENJAMIN FRANKLIN.

P. S. The striking of the medals being now in agitation here, I send the enclosed for consideration.

B. F.



FROM BENJAMIN FRANKLIN TO CHARLES THOMPSON.

Passy, May 10, 1785.

Dear Sir,

An old gentleman in Switzerland, long of the Magistracy there, having written a book, entitled *Du Gouvernement des Mœurs*, which is thought to contain many matters, that may be useful in America, desired to know of me how he could convey a number of the printed copies, to be distributed gratis among the members of Congress. I advised his addressing the package to you by way of Amsterdam, whence a friend of mine would forward it. It is accordingly shipped there on board the *Van Berckel*, Captain W. Campbell. There are good things in the work, but his chapter on the liberty of the press appears to me to contain more rhetoric than reason.

With great esteem I am, ever, &c.

BENJAMIN FRANKLIN.

FROM COUNT DE VERGENNES TO BENJAMIN FRANKLIN.

Translation.

Versailles, May 22, 1785.

Sir,

I have learnt with much concern of your retiring, and of your approaching departure for America. You cannot doubt but that the regrets, which you will leave, will be proportionate to the consideration you so justly enjoy.

I can assure you, sir, that the esteem the King entertains for you, does not leave you any thing to wish, and that his Majesty will learn with real satisfaction, that your fellow citizens have rewarded, in a manner worthy of you, the important services that you have rendered them.

I beg, sir, that you will preserve for me a share in your remembrance, and never doubt the sincerity of the interest I take in your happiness. It is founded on the sentiments of attachment of which I have assured you, and with which I have the honor to be, &c.

DE VERGENNES.



FROM B. FRANKLIN TO THOMAS BARCLAY.

Passy, June 19, 1785.

Sir,

With respect to my continuing to charge £2500 sterling per annum as my salary, of which you desire some explanation, I send you, in support of that charge, the resolution of Congress, which is in these words.

“In Congress, October 5th, 1779. Resolved, that

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each of the Ministers Plenipotentiary be allowed at the rate of two thousand five hundred pounds sterling per annum, and each of their secretaries at the rate of one thousand pounds sterling per annum, in full for their services and expenses respectively. That the salary of each of the said officers be computed from the time of his leaving his place of abode, to enter on the duties of his office, and be continued three months after the notice of his recall."

The several bills I afterwards received, drawn on the Congress banker, Mr. Grand, for my salary, were all calculated on that sum, as my salary; and neither the banker nor myself has received notice of any change respecting me. He has accordingly, since the drawing ceased, continued to pay me at the same rate. I have, indeed, heard that a resolution was passed last year, that the salaries of Plenipotentiaries should be no more than £2,000 sterling per annum. But the resolution, I suppose, can relate only to such Plenipotentiaries as should be afterwards appointed; for I cannot conceive that the Congress, after promising a Minister £2,500 a year, and when he has thereby been encouraged to engage in a way of living for their honor, which only that salary can support, would think it just to diminish it a fifth, and leave him under the difficulty of reducing his expenses proportionably; a thing scarce practicable; the necessity of which he might have avoided, if he had not confided in their original promise.

But the article of salary, with all the rest of my accounts will be submitted to the judgment of Congress, together with some other considerable articles I have not charged, but on which I shall expect from their equity, some consideration. If, for want of knowing precisely

the intention of Congress, what expenses should be deemed public, and what private, I have charged any article to the public, which should be defrayed by me, their banker has my order, as soon as the pleasure of Congress shall be made known to him, to rectify the error by transferring the amount to my private account, and discharging by so much that of the public.

I have the honor to be, &c.

B. FRANKLIN.



FROM M. DE CASTRIES TO B. FRANKLIN.

Translation.

Versailles, July 10, 1785.

Sir,

I was not apprised, until within a few hours, of the arrangements, which you have made for your departure. Had I been informed of it sooner, I should have proposed to the King to order a frigate to convey you to your own country, in a manner suitable to the known importance of the services you have been engaged in, to the esteem you have acquired in France, and the particular regard which his Majesty entertains for you.

I pray you, sir, to accept my regrets and a renewed assurance of the most entire consideration with which I have the honor to be, sir, your very humble and very obedient servant.

DE CASTRIES.

FROM B. FRANKLIN TO JOHN JAY.

Philadelphia, September 19, 1785.

Sir,

I have the honor to acquaint you, that I left Paris the 19th of July, and, agreeably to the permission of Congress, am returned to my country. Mr. Jefferson had recovered his health, and was much esteemed and respected there. Our joint letters have already informed you of our late proceedings, to which I have nothing to add, except that the last act I did, as Minister Plenipotentiary for making treaties, was to sign with him, two days before I came away, the treaty of friendship and commerce, that had been agreed on with Prussia, and which was to be carried to the Hague, by Mr. Short, there to be signed by Baron Thulemeier on the part of the King, who, without the least hesitation, had approved and acceded to the new humane articles proposed by Congress. Mr. Short was also to call at London for the signature of Mr. Adams, who I learnt, when at Southampton, was well received at the British Court.

The Captain Lamb, who, in a letter of yours to Mr. Adams, was said to be coming to us with instructions respecting Morocco, had not appeared, nor had we heard any thing of him ; so nothing had been done by us in that treaty.

I left the Court of France in the same friendly disposition towards the United States, that we have all along experienced, though concerned to find that our credit is not better supported in the payment of the interest money due on our loans, which, in case of another war, must be, they think, extremely prejudicial to us, and indeed may

contribute to draw on a war the sooner, by affording our enemies the encouraging confidence that those who take so little care to pay, will not again find it easy to borrow. I received from the King at my departure, the present of his picture set round with diamonds, usually given to Ministers Plenipotentiary, who have signed any treaties with that Court; and it is at the disposition of Congress, to whom be pleased to present my dutiful respects.

I am, &c.

B. FRANKLIN.

P. S. Not caring to trust them to a common conveyance, I send by my late Secretary, who will have the honor of delivering them to you, all the original treaties I have been concerned in negotiating, that were completed. Those with Portugal and Denmark, continue in suspense.

B. F.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, July 6, 1786.

Sir,

The enclosed paper will inform you of what has passed here, between Scotosh, a Chief of the Wyandot nation, and this government, on his way to Congress. He is recommended as having been always very friendly to our people; and the Council have defrayed the expense of him and his company here, and to New York; where, as Colonel Hammar informs, he is to visit Congress. He expresses a strong desire of going to France, but, as it must cost something considerable to support him ~~thither~~,

there and back again, we have given him no expectation that the Congress will approve of it. But if it could be well afforded, I should conceive it might be of use to our affairs in that part of the country, if, after viewing the Court, and troops, and population of France, he should return, impressed with a high idea of the greatness and power of our ally, and thence be able to influence the western Indians, with opinions proper to defeat the insinuations of the English, who are posted on those frontiers.

With great regard, &c.

BENJAMIN FRANKLIN.

Philadelphia, July 3, 1786.

Scotosh, an Indian Chief of the Wyandots, and son to the half King of that nation, visited the President, accompanied by Monsieur Pierre Douillier, a French trader, of Detroit, as interpreter, who acquainted the President that the Chief had a few words to deliver from his father.

The Chief, then taking in his hands three strings of White Wampum, said—

Brother,

I come from my father to speak to you of good and bad affairs, good and bad news, my father now speaks.

“ My Brothers,

“ I inform you that among my people all is good, we
“ have no bad affairs, no bad news to relate to you, nor
“ have I heard of any bad news from Detroit. *A*
“ *String.*

“ Near the falls I have heard there are bad affairs ;
“ but that country is far from mine. There are some
“ bad people thereabouts, vagabonds from different na-
“ tions, but none of my people are among them. ” A
“ *String.*

“ My Brothers,

“ I shall be very glad to hear that the measuring the
“ Indian country may be delayed. For the bad people
“ will, I fear, take occasion from the measuring to do
“ more mischief. Perhaps the measurers will be killed,
“ and it would give pain to me and my nation to hear
“ such bad news.”

The Chief then spoke as from himself.

Brothers,

You have made a good clear road for us to come to
you without danger or inconvenience, I have found it
good and safe, having been kindly treated every where
by your people. We will do the same for them, when
they have occasion to pass through our country.

Brothers,

I request you would, as soon as possible, let me know
what you think of the words I brought from my father,
that I may acquaint him therewith, and that mischief to
the measurers may be prevented.

He added, that he was going to New York, to visit
the Congress, and that he had a curiosity to cross the
seas, and see France.

The President replied, that he would communicate
the words to the Council, and on Wednesday give an
answer. He had no expectations of so much formality
in this visit, or he should have requested a meeting of
Council to receive it.

July 5, 1786.

Scotosh, son to the half King of the Wyandots, with Monsieur Drouillier, his interpreter, coming again to the President's house, the President spoke to him as follows.

Brother,

I have communicated to the Council, the words you delivered to me from my father, and we now return the answer I am about to give you, to be sent him.

Our Brother,

We are glad to learn from you that there are no bad affairs in your country, and that all is well with you, we hope it may long continue. *A String.*

We know there are some bad people about the falls, from whence we sometimes hear of mischief done by them, we are glad that none of our friends, the Wyandots, are among them; for they will probably soon suffer for their evil actions. *A String.*

Our Brother,

This State of Pennsylvania measures no lands, but what has been fairly purchased of the Six Nations. The country you speak of, is far beyond our limits, and the measuring of it under the direction of the Congress. It is therefore with that great Council to consider your friendly advice on that subject. *A String.*

The President then acquainted Scotosh, that as he was going to New York, the Council had ordered some money to be given to him for his travelling expenses, (which was accordingly done) and that the charge of their entertainment while here would also be defrayed; for which he returned hearty thanks. He was at the same time assured, that we should endeavor always to keep the road between us as open, clear and safe as he had found it.

FROM BENJAMIN FRANKLIN TO M. GRAND.

Philadelphia, July 11, 1786.

Sir,

I send you enclosed some letters that have passed between the Secretary of Congress and me, respecting three millions of livres, acknowledged to have been received before the treaty of February, 1778, as *don gratuit* from the King, of which only two millions are found in your accounts; unless the million from the Farmers General be one of the three. I have been assured that all the money received from the King, whether as loan or gift, went through your hands; and as I always looked on the million we had of the Farmers General to be distinct from what we had of the Crown, I wonder how I came to sign the contract, acknowledging three millions of gift, when, in reality, there was only two, exclusive of that from the Farmers; and, as both you and I examined the project of the contract before I signed it, I am surprised, that neither of us took notice of the error.

It is possible that the million furnished ostensibly by the Farmers, was in fact a gift of the Crown, in which case, as Mr. Thompson observes, they owe us for the two ship loads of tobacco, which they received on account of it. I must earnestly request of you to get this matter explained, that it may stand clear before I die, lest some enemy should afterwards accuse me of having received a million not accounted for.

I am, &c.

B. FRANKLIN.

FROM MONSIEUR DURIVAL TO M. GRAND

Translation.

Versailles, August 30, 1786.

Sir,

I have received the letter which you did me the honor to write on the 28th of this month, touching the advance of a million, which you say was made by the Farmers General to the United States of America, the 3rd of June, 1777. I have no knowledge of that advance. What I have verified is, that the King, by the contract of the 25th of February, 1783, has confirmed the gratuitous gift, which his Majesty had previously made, of the three millions hereafter mentioned, viz. one million delivered by the royal treasury, the 10th of June, 1776, and two other millions advanced also by the royal treasury, in 1777, on four receipts of the Deputies of Congress, of the 17th of January, 3rd of April, 10th of June, and 15th of October, of the same year. This explanation will, sir, I hope, resolve your doubt, touching the advance of the 3rd of June, 1777. I further recommend to you, sir, to confer on this subject with M. Gojard, who ought to be better informed than we, who had no knowledge of any advances, but those made by the royal treasury.

I have the honor to be, &c.

DURIVAL.

FROM MONSIEUR DURIVAL TO M. GRAND.

Translation.

Versailles, September 5, 1786.

Sir,

I laid before the Count De Vergennes, the two letters you did me the honor to write, touching the three millions, the free gift of which the King has confirmed in favor of the United States of America. The Minister, sir, observed that this gift has nothing to do with the million, which the Congress may have received from the Farmers General in 1777; consequently he thinks, that the receipt, which you desire may be communicated to you, cannot satisfy the object of your view, and that it would be useless to give you the copy which you desire.

I have the honor to be, &c.

DURIVAL.

FROM M. GRAND TO BENJAMIN FRANKLIN.

Paris, September 9, 1786.

My Dear Sir,

The letter you honored me with, covered the copies of three letters, which Mr. Thompson wrote you to obtain an explanation of a million, which is not to be found in my accounts. I should have been very much embarrassed in satisfying and proving to him, that I had not put that million in my pocket, had I not applied to M. Durival, who, as you will see by the answer enclosed, informs me, that there was a million paid by the royal treasury, on the 10th of June, 1776. This is the very

million about which Mr. Thompson inquires, as I have kept an account of the other two millions, which were also furnished by the royal treasury, viz. the one million in January and April, 1777, the other in July and October of the same year, as well as that furnished by the Farmers General in June, 1777.

Here then are the three millions exactly, which were given by the King before the treaty of 1778, and that furnished by the Farmers General. Nothing then remains to be known, but who received the first million in June, 1776. It could not be myself, as I was not charged with the business of Congress, until January, 1777. I therefore requested of M. Durival a copy of the receipt for the one million. You have the answer, which he returned to me. I wrote to him again, renewing my request, but as the courier is just setting off, I cannot give you his answer, but you will receive it in my next, if I obtain one.

In the meanwhile, I beg you will receive the assurances of the sentiments of respect, with which I have the honor to be, Sir, &c.

GRAND.



FROM M. DURIVAL TO M. GRAND.

Translation

Versailles, September 10, 1786.

Sir,

I have laid before the Count de Vergennes, as you seemed to desire, the letter which you did me the honor to write yesterday. The Minister persists in the opinion,

that the receipt, the copy of which you request, has no relation to the business with which you were entrusted on behalf of Congress, and that this piece would be useless in the new point of view in which you have placed it. Indeed, sir, it is easy for you to prove that the money in question was not delivered by the Royal Treasury into your hands, as you did not begin to be charged with the business of Congress until January, 1777, and the receipt for that money is of the 10th of June, 1776.

I have the honor to be, &c.

DURIVAL.



FROM M. GRAND TO BENJAMIN FRANKLIN.

Translation.

Paris, September 12, 1786.

Sir,

I hazard a letter in hopes it may be able to join that of the 9th at L'Orient, in order to forward to you the answer I have just received from M. Durival. You will there see, that notwithstanding my entreaty, the Minister himself refuses to give me a copy of the receipt which I asked for. I cannot conceive the reason for this reserve, more especially since, if there has been a million paid, he who has received it has kept the account, and it must in time be known. I shall hear with pleasure, that you have been more fortunate in this respect in America than I have been in France; and I repeat to you the assurance of the sentiments of regard with which I have the honor to be, &c.

GRAND.

FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, November 21, 1786.

Sir,

I send the enclosed papers, requesting your perusal of them, and that you would let me know what answer I may make to Sir Edward Newenham and General Washington. I have known Sir Edward many years, and that he was always a firm friend to our cause, and rendered many substantial services to our countrymen that happened to be prisoners in Ireland. Hitherto we have parried the infinite number of French applications for consulships in their ports, by acquainting them with the law of Congress to appoint none but citizens. I know not whether the Congress will think fit to deviate in this instance, as it will open a door for boundless solicitation; though I could wish Sir Edward's merit could have some mark conferred on it, of the gratitude and regard of our States, I do not pretend to solicit Congress in his favor—having no opinion of my interest.

With great respect, I have the honor to be &c.

B. FRANKLIN.

Please to return the letters when done with.



SIR EDWARD NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, July 10, 1786.

My Dear Friend,

I know not how to apologize for the liberty I now take. Your own goodness of heart must seal my pardon. I can only say, that were our situations changed, I should do the same for you.

I have fixed my son, Mr. Robert O'Callaghan New-
cnam, at Marseilles, where his sister lives; she is mar-
ried to Mr. Folsch of that city, and Consul for Sweden
at that and the neighboring ports; I invest *all* his for-
tune in the trade of that rising city, where he will spend
the rest of his days.

He has often addressed me to solicit this favor; at last
his perseverance and sanguine hopes of success, have
induced me to second his wish. It is to have the distin-
guished honor conferred upon him by the Congress of the
United States of North America, of being appointed their
Consul at the port of Marseilles. I will be bound in any
penal sum for his good conduct. I can assert, on the
most sacred word of man, that he is blessed with the
purest principles of integrity and virtue: he is attentive
to his religious and civil duties; he has exceeding good
natural parts, and is well read in history; speaks French
perfectly, and is now learning all other languages.
Though he is my son, I would not ascribe merits or vir-
tues to him, which he did not really possess. He was
always warm in the cause of America, as all the rest of
my family (one only excepted) have been. May I then,
my dear and respected friend, entreat your parental soli-
citation in favor of a beloved and dutiful son; thus to
honor the parent and raise the son into future conse-
quence. It will be mine and my family's pride to have
my son distinguished by Congress, (that glorious assem-
bly of patriots) in whose cause I so early engaged; whose
interest I supported; whose suffering sailors I often re-
lieved; and I believe the active part I took in preventing
more troops to be sent out of this kingdom to keep up
the devastation of war in America, is well known to Con-

gress. *I never deserted their cause when victory appeared doubtful*, though my estate, and perhaps my life, would have been forfeited, had not their own perseverance (aided by Heaven) overcome difficulties then deemed insurmountable.

This request and circumstances being laid before Congress by you, will, I trust, ensure success. I shall be proud to shew my countrymen, that my zeal for American independence has been rewarded in the most honorable manner, and that the saviors of American freedom bear a reciprocal regard for their Irish friends.

I shall impatiently expect the honor of an answer.

I have the honor to be, dear sir, with the most sincere and perfect respect and esteem, your most obliged and obedient humble servant.

EDWARD NEWENHAM.



FROM SIR EDWARD NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, August 12, 1786.

Sir,

I beg leave to enclose you two letters, one for the President, and the other for Congress, towards obtaining what I really think my services have some claim to. If it was no more than being the chief means of stopping the sending off the *whole* army of Ireland to assist in the subjugation of the freemen of North America. I leave the introduction of this matter to your superior wisdom. It is a novel and free mode of a private freeman, soliciting a favor and honor from an Assembly of freemen; but, conscious of my services and zeal in support of their cause, I entertain the fondest hopes of success.

My son is really deserving of any trust; he has the best of principles, and as he is now, forever, become a subject of your magnanimous ally, he is a fit object for American honors; you can easily form an idea how proud it would make me, and how pleased the friends of America in this kingdom will be, at his promotion.

I have lately received a valuable present of trees and seeds from Colonel Wadsworth of Connecticut State; and the trees promise well; planting is my chief amusement, and as I do all the nice parts myself, sowing the seed, pruning, budding, &c. I never leave any thing to a gardener, therefore I have one of the most healthy and promising plantations in the kingdom. I brought the seeds of the largest fir trees, in that part of the Alps near St. Bernard, to this place, and the plants are in the most promising state; it is the finest deal in Europe, but not much used, as the expense is so great in bringing the timber over such a tract of mountains; it is peculiar only to one spot.

I send you a few newspapers; by them you will see the accounts of the white boys in this country; who never would have got up, if Government had not insulted the volunteers; they now wish for the volunteers to repel them, but none will march against them, except a few ministerial dependents.

Lady Newenham joins me in the warmest respects and highest regards for you and your grandson. She is so anxious in this affair, that if it could ensure success, she would cross the Atlantic to obtain it, her parental heart is so elated with the idea of it.

I shall, towards the latter end of November, impatient-

ly hope for the honor of an answer. I have written to Gen. Washington and Mr. Jay to request their support.

This goes by the Dublin packet, Captain Alcorn. I have the honor to be, my dear sir, and ever respected friend, with every sentiment of esteem, your most obedient servant.

EDWARD NEWENHAM.



FROM SIR EDWARD NEWENHAM TO THE PRESIDENT OF CONGRESS.

Belle Champe, near Dublin, }
August 12, 1786. }

Sir,

I have the honor to enclose your Excellency a letter for the honorable Congress. I might give a list of services, done in the most perilous times; I might give my account of expenditures; but those having been done and incurred through principle, I cannot claim credit for them; my wish is to be honored by my fellow-patriots; that will be my glory, and the pride of a family early attached to yours and the liberties of your countrymen.

I may have erred in the mode of application; but I have not wilfully omitted applying in the most respectful manner, therefore entreat indulgence for any mistakes.

I now beg leave, sir, to apologize to you for the liberty I have taken, and the trouble I presume to give you, to lay the enclosed before you. The Honorable Doctor Franklin will readily inform you of his opinion on this subject, as far as it relates to me.

I have the honor to be, sir, &c.

EDWARD NEWENHAM.

FROM SIR EDWARD NEWENHAM TO CONGRESS.

*To the Right Honorable the President and Members
of the Congress of the United States of North
America.*

Belle Champe, near Dublin, }
August 12, 1786. }

Sirs,

I trust that this mode of addressing so respectable and magnanimous an assembly, will not be deemed presumptuous in a private individual, who so early and warmly supported the just rights of the freemen of North America.

It will be my pride to have one of my family honored by you. It will shew my friends and yours in this kingdom, that my zealous endeavors to support American independence are most amply rewarded.

My humble desire is to have my son Robert O'Callaghan Newenham honored with the important trust of being Consul for the United States of North America, at the port of Marseilles, in the kingdom of France.

He is settled there in the mercantile line, his whole fortune is to be remitted, and he is to spend the remainder of his days there.

In my pretensions to so distinguished an honor, I beg leave to refer to the Honorable Doctor Benjamin Franklin. I believe I need not refer to the public prints of those days, when a friend to the liberties of America, was deemed a bold character for an Irishman to support. That friend I gloried in being and ever shall.

I shall not presume to add more, only that you cannot find a man of better principles, purer integrity, or warmer

zeal in your service, than my son. As such I recommend him, and will be answerable for the faithful discharge of his duty.

I have the honor to be, &c.

EDWARD NEWENHAM.



FROM LADY GRACE ANNA NEWENHAM TO BENJAMIN FRANKLIN.

Belle Champe, August 21, 1786.

Dear Sir,

Permit me to solicit your support towards obtaining the honor of my son, Robert O'Callaghan Newenham, being appointed Consul of the United States of America at Marseilles. Sir Edward has settled him there, probably for life. This appointment must be of service to him, as well as an honor to his father and me.

I would not offer to solicit your respectable friendship, did I not know he will not disgrace your *protection*—his heart and his principles are equally good, and he possesses an intelligence and sobriety of conduct much beyond his years.

Believe me, sir, I am fully sensible of the impropriety of my *thus* intruding upon you; but when I consider the character I am addressing, I am encouraged to expect every allowance for a mother's pleading for the interest and honor of a beloved son, and if I do not succeed in my wishes for him, I shall feel secure of pardon, from the universal philanthropy with which you are so eminently distinguished. I am, &c.

GRACE ANNA NEWENHAM.

I request my compliments to your grandson.

FROM GEORGE WASHINGTON TO BENJAMIN FRANKLIN.

Mount Vernon, November 3, 1786.

Sir,

The letter, of which I have the honor to enclose your Excellency an extract, and the addresses, came to my hands a few days since. Whether the latter are originals or copies, and whether any steps have been taken in compliance with Sir Edward Newenham's wishes, you can better decide than I; also, if there has not, what is best to be done with the application.

If I mistake not, this case militates with a resolve of Congress, which declares that none but citizens of these United States shall hold consular appointments under it. But how far the singularity of the application, from such a character, and under such enumeration of circumstances, may occasion a departure therefrom (if my belief is founded) is not for me to decide.

This letter to you, my good sir, is the first move I have made in this business, and I will await your sentiments before I make another.

I am, &c.

GEO. WASHINGTON.

*Extract of a letter from Sir Edward Newenham to
George Washington.*

Belle Champe, near Dublin, }
August 12, 1786. }

Dear Sir,

“ May I presume to solicit your friendship in obtaining the wish of a whole family, viz: to have one of them

honored by the Congress of American patriots. The idea originated with my son—he is so good and virtuous a young man, that I can boldly assert he never will dishonor any confidence reposed in him; he has been warm in yours and your country's cause from the beginning; his future life is fixed at Marseilles, where his fortune is vested, his third sister is married there—he wants no salary, it is the honor he solicits for.

I cannot express how anxious I am to obtain his wish. The mode I have adopted is novel, but it occurred to me as the most respectful. I have acquainted Doctor Franklin and Mr. Jay with this affair, and had time been allowed, I am confident that the Marquis de la Fayette would write most warmly in our favor; but as this is the only opportunity of a safe conveyance, that I can have for some time, I could not delay it; the ship Dublin Packet, Captain Alcorn, sails to-morrow for Philadelphia, and this will be committed to his care."



FROM JOHN JAY TO BENJAMIN FRANKLIN.

New York, December 30, 1786.

Sir,

I have received the letter you did me the honor to write on the 27th day of November last, with the papers mentioned to be enclosed with it, which shall be laid before Congress as soon as they make a house.

Letters from Sir Edward Newenham on the same subject, had been previously received, but the want of an adequate representation in Congress has hitherto prevented, and still prevents, a decision on it.

With sentiments of great respect, &c.

JOHN JAY.

FROM JOHN JAY TO THE PRESIDENT OF PENNSYLVANIA.

New York, February 8, 1787.

Mr. Jay presents his compliments to his Excellency Doctor Franklin, and, agreeable to his request, has the honor of returning herewith enclosed, the letters transmitted in the Doctor's letter of the 21st November last. Those letters, with others on the same subject, were laid before Congress, and had it not been for the act which confines their appointment of Consuls to citizens, there is no doubt but that Congress would most readily have complied with Sir Edward Newenham's request.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

New York, February 24, 1787.

Sir,

I have just received a letter from Lady Newenham on the subject of the application of Sir Edward for the consulship of Marseilles for their son. The solicitude of that amiable family, to obtain that mark of the notice of the United States, seems so fervent, that considering their uniform and zealous attachment to America, the necessity of disappointing their hopes is to be regretted, especially too, as the object of their wishes is far from being a very important one. If Mr. Newenham would come to this country and be naturalized in either of the States, I presume the objection arising from the act of Congress, which confines these appointments to citizens, would be removed; and on the least intimation that he would then have the honor he solicits, I apprehend he would not

hesitate to take this step. It would, however, be improper for me to suggest such a hint to Sir Edward, unless authorized by Congress to do it; and I take the liberty of mentioning this expedient, from an opinion that nothing but the act in question restrains Congress from complying with his request, and gratifying the wishes of that good friend of our country.

I have the honor to be, &c.

JOHN JAY.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, January 3rd, 1787.

Sir.

Mr. Samuel Vaughan, jr. has informed me that he purposes applying to Congress, for an employment in their intended Mint, and for some encouragement to explore the United States with respect to the ores, minerals &c., that may be contained in their territories, and has requested of me a line of recommendation to you. I do not know how far his views may be compatible with those of Congress, nor do I presume to have any interest that may promote them; but if it may be of use to him, I with pleasure, give this testimony that I have known him some years, during which he has been constantly engaged in the diligent study of metallurgy and mineralogy, and in travelling through most of the countries of Europe, where there are mines, and where those sciences flourish, to inspect the one and converse with the learned and experienced professors of the other; that he has brought with him to this country, a most valuable collec-

tion of books on the subject, as well as a very great assortment of all the different ores, &c., and that I esteem him as a man of probity and integrity, as well as of great skill and ingenuity, so that in my opinion, if induced to stay among us with his collections, it will be a valuable acquisition to our country.

With great respect, I have to be, &c.

B. FRANKLIN.

FROM SAMUEL VAUGHAN TO JOHN JAY.

Philadelphia, December 29, 1786.

Sir,

Since I had the pleasure of seeing you I have entertained some thoughts, with the concurrence of my friends, of offering myself as a candidate for one of the offices in the Mint lately established by Congress; and in this case, I have little doubt your favoring me with your counsel, and if the idea meets your approbation, of then assisting me with that recommendation only, for which your acquaintance with me, might be a foundation. As to a friend, I shall take the liberty of speaking fully of my views, and I shall hope for your indulgence, in attending for a few moments to them.

I am too much an advocate for liberty of retirement, ever to seek an office to form my object in life; my circumstances and connexions render me perfectly independent of every pecuniary motive; and I hope I have more meritorious reasons for my conduct than any external applause. I am induced, sir, to offer myself in this line, as the one in which I could be the most eminently useful, and which I could execute with the greatest self

approbation. I appeal, sir, to your own knowledge of my studies and travels, for a presumption of my ability for this office, as coinage is, particularly in Germany, one of the inferior branches to chemistry and mineralogy. However, the best chosen collection of books in this continent, in this line, a collection of minerals that would be very respectable even in Europe, and a perfect apparatus for every operation, particularly for assaying, which I have just received from Europe, will carry a still stronger proof of my having made metallurgy a considerable object of my attention. Exclusively, I pretend to connexions in Europe, that lead me to imagine I could execute the proposed plan more perfectly and more economically, than it is likely may be done by perhaps any one on this continent. I should be happy to be nominated to the appointment in question, provided that it was not to be considered as binding for more than from three to six years, and provided that six weeks or two months in the year might be allowed me, when the Mint was once in a regular train, for an attention to my private concerns. I cannot help here observing, that there seems to be an error made by Congress in the arrangement of the Mint. It is the establishment of separate offices, to appearance, also independent of each other, and nearly on a level. One director, to which every department should be subservient, would be less expensive, more regular and expeditious, and less liable to miscarriage.

My ultimate object, sir, in seeking this employment, is not the mint, the direction of which, in itself, would be a trifle; but another more important and extensive. It is the exploring the mineral productions of the United States. It is the public utility and my inclinations that

I consult; not my personal emolument. The object would require some years, and to pursue it at my own private expense would be too great a sacrifice. I shall not only, be satisfied if my extraordinary disbursements are paid, but I wish to save that expense to the State, by uniting the pursuit with an office, the duties of which will be extremely cumbersome; and as unconnected with my own plan, I should derive neither satisfaction, honor or profit; if my own ideas are not approved of by yourself, I beg you to interest yourself no further on the subject. I, however, imagine that there will be no difficulty in the union, and that when the mint is once established, and in a regular train, as much time may be spared as the seasons would allow, to apply to the object in question.

The plan that I would have the honor to propose, would be, to travel through the most inhabited parts of the country, to determine the different mineral productions, and give the result of my inquiries to the public, in different and easy modes of information. To point out the ores proper for the extraction of the several metals; clay for bricks, crucible work in the various manufactures, pottery, queen's ware or porcelain; lime and marl for fluxes, manure or cement; sand proper for making of glass, for casting, or colors; coal for its various applications; common salt in countries distant from navigation, and salt springs; and strata of other salts, for alum, soap, powder, &c. besides an infinity of other mineral productions, necessary to society. Mineralogy is at present reduced to a regular science; it is found of late, that the mountains in the universe are not the confused mass of substances formerly supposed, but are so homo-

geneous as to give sufficient grounds for systems of subterranean geography ; and have a certain regularity, that to one informed in this science, renders the exploring of a country but seldom difficult. The only objections to my mind, arise from the badness of the roads in some parts, and the prejudices of individuals in others ; and this latter renders the sanction of the public authority the more necessary.

Not, however, to occasion too high expectations being formed of this plan, I must add, sir, that I cannot, notwithstanding what I have said above, pretend in every case to point out directly, the place where a man may find the substance he stands in need of, particularly the metals. My province will only be to indicate the most probable places of research. It is possible, with considerable accuracy, to determine every kind of strata in a country, but not to point out the presence of every adventitious substance, not a necessary and constituent part of that strata, but which, when existing, might be found in that strata alone. Thus, there is a kind of copper ore found only in a certain species of slate. I might discover where that slate is, but it is a chance to determine whether the ore is in it, and will be impossible further to determine, whether in sufficient quantity to deserve notice. It is again easy to determine whether certain strata exist in a country, but not whether they are proper for the uses we require. Thus clay or coal may be found, but it must be the object of particular research to know whether the first is sufficiently free from metals or acids for porcelain, or the latter of a proper purity to apply to the working of metals. In short, it is not to discover the particular spot where every substance may be found

with every necessary circumstance, for application to the various manufactures in which the same mineral may be used, but to give the general system of the country, and the probable places in which different manufacturers may search for their several objects. The assertion which I have made, of there being a certain determinate order of strata, in every part of the globe, of which we have, as yet, any accounts, you may imagine to have some foundation also, in this continent, from the common observation of the mountains running in ranges; but, at the same time, the extent of this continent points out the labor and time that it will be requisite to devote to the subject, before we can flatter ourselves with any considerable return. So far, sir, for my plan; I will now touch upon the expediency of it.

The encouragement of mining has, by many sensible people on this continent, been highly reprobated, as likely to turn to the prejudice of the community; many examples offering in this country in their favor, in cases of a want of success, and that of Spain, where they have the most decided. But, sir, in this, as in every thing else, ignorance is the source of error. What should a rational man, short of disappointment, expect in the application of a science, with the first rudiments of which he was totally unacquainted? Mining in Sweden, Denmark, Germany, and lately in France and Russia, where they are guided by experience and instruction, is a manufacture in the strictest point of view; being, as in the case of every manufacture, governed by the rarity of the first materials, and the labor spent in producing them. And further, they are as well calculated, and carried on with as much certainty of the produce, in relation to the expense, as

almost in any other manufacture. On the other hand, evil effects are produced in Spain, not by the pursuit of mining, but by the depravity of the Legislature. In a free country, every thing tends to an equality, and there is only that difference existing, necessary to reward the industrious. No evil can arise but luxury, which carries with it its own cure; and otherwise, I believe it would be very difficult to prove any gift of nature to be hurtful, where freedom of inquiry is permitted, and still less where it is encouraged, and the human mind guided by the precepts of reason. But although mining forms a capital object in the present plan, it is by no means the principal one, and much less does the valuable metals form a considerable part of it. As we have as yet had but little information of any signs of gold or silver in these States, there is little likelihood of their presence in any considerable quantity. The most necessary ones in our common economy are the most plentiful. If, sir, you pursue the list which I have begun, some pages back you will find that the metals are the least numerous subjects of demand; and if you consider the attention of most European nations, to the procuring, working, and combining the metals and the knowledge requisite, you will perhaps agree that America is likely to attend to more simple manufactures. It is true that America offers little encouragement in the present moment, for the establishment of manufactures; but whoever understands the causes of this situation, must at the same time perceive their daily and rapid decrease. It is impossible but America must be a manufacturing country, as well as an agricultural one. Its nature and situation will render their existence necessary. And if in the neighborhood of navigation, the cheapness of European

labor may prevent their pursuit, yet when the inland parts become inhabited, the expense of both water and land carriage will render their establishment, in such situations, easy and profitable. But let this period happen when it will, no argument can arise from it against the present plan. The time of inquiry should precede the want, and the greater the present difficulties, the more necessary to lend a helping hand. England, famous for its manufactures, particularly of mineral productions, blessed as it is with the utmost exclusive possession of some substances to distribute to its sister nations, greatly fails in most sciences that would assist the research of individuals for raw materials, or when found, of procuring them with the greatest economy. There is not a single book I am acquainted with in the English language, made for the instruction of individuals in the several sciences, requisite to give them proper views of those objects; and it is the reason why, in England, mining is so hazardous and uncertain; nay, often ruinous. It is the reason, also, why mineral pursuits are so contracted there, and why the inhabitants of these States labor under the same disadvantages.

The inactivity or inadvertency of Government in not procuring proper instructions for its subjects, is the cause of the backwardness of England in almost every branch of mineral knowledge. The object is too expensive for patriotic individuals, requires the union of too many branches of science, and the sacrifice of too considerable a proportion of time. In more despotic countries, where the education of the people depends more on the government, the rulers, if they have cramped their ideas on subjects, where the light of nature is almost a sufficient director, have thought it necessary to instruct them in those

which required extent of knowledge, experience and penetration. France, ambitious that its subjects should enjoy the greatest blessings offered by nature compatible with the constitution of its government, employed four eminent men the greatest part of their lives in travelling through different countries, to determine the subterranean geography of the earth, the modes of procuring the different mineral productions, and their different applications. Their publications form one of the most important guides mankind possess in this line; and from that time the French have constantly had some persons travelling with this view, and daily reaped advantage from the pursuit. The Elector of Saxony employed a well instructed officer to examine the whole of his territory, and has published his account for the benefit of his subjects. The Elector of Hanover has trod nearly in the same path. The King of Sweden and the Emperor of Germany have instituted similar inquiries; and although the result has not been published from authority, yet it is taught in their schools for mineral officers. Lastly, the Empress of Russia sent the famous Pallas to the various parts of her immense dominions, and after his drawing up a general plan of the country, which has been published for the instruction of the inhabitants, in four quarto volumes, she sent under his direction, properly instructed persons, to all parts of her dominions, to make still more particular researches, and in which they are at present employed. It is the department that Mr. Pallas has successfully executed, that I am endeavoring to establish, confident that no where can so much good proceed from inquiry and knowledge, as where the pursuit and use of it is guarded by freedom.

This, sir, is the outline of my motives for applying to you at present; the explanation was rather too long for a letter, but yet, the novelty of the subject in this country required it. If you think the plan reasonable, likely to be beneficial to the community, and to be carried into execution, I beg you will present the enclosed to the present Treasurer, aided with your support.

I beg my particular compliments to Mrs. Jay, and remain with the most respectful sentiments, &c.

SAMUEL VAUGHAN, Jr.

FROM JOHN JAY TO BENJAMIN FRANKLIN.

Office for Foreign Affairs, }
January 12, 1787. }

Sir,

I was this morning honored with your Excellency's letter of the 3d instant, which, relating to a matter within the Treasury Department, shall be immediately laid before the Honorable Commissioners, to whom Mr. Morris and Mr. Vaughan have written on the same subject.

Your sentiments of Mr. Vaughan cannot fail to impress a very favorable opinion of him. I have long been in the habit (if I may say so) of wishing well to him and his family, and that he and they might become citizens of America, and derive from it as much satisfaction as they have manifested attachment to our cause and country.

With great respect and esteem, I have the honor to be, &c.

JOHN JAY.

FROM JOHN JAY TO SAMUEL VAUGHAN, JR. a

New York, January 12, 1787.

Dear Sir,

I have been favored with your letter of the 29th ult. which, together with those that were enclosed with it, shall, without delay, be laid before the Commissioners of the Treasury; for, as your plan evidently merits their attention, I think it is proper for me to communicate it to them, without having previously formed an opinion whether it should now be adopted, either in the whole or in part. What I may probably think and do respecting it, I forbear to mention or to hint; for I find it best to make no promises nor professions on such occasions, but to keep myself free from engagements, and at liberty to act, and in such manner as, after due investigation and reflection, my judgment may dictate.

Be pleased to present my best compliments to your father and brother, and believe me to be, with sentiments of esteem and regard, &c.

JOHN JAY.



FROM JOHN JAY TO THE COMMISSIONERS OF THE
BOARD OF TREASURY.

Office for Foreign Affairs, }
January 18, 1787. }

Gentlemen,

I have the honor of transmitting to you herewith enclosed, two letters directed to you, and two others directed to me, one of which is from Mr. Samuel Vaughan,

dated the 29th December last, and the other from his Excellency Doctor Franklin, dated the 3d day of January, instant.

Mr. Vaughan's letter to me treats fully and at large the subject to which the others also relate, and which being within your department, I forbear making any other remarks on, than that I consider Mr. Vaughan as being a gentleman of merit, and that several of the ideas he suggests appear to me to deserve attention.

I have the honor to be, with great respect and esteem, &c.

JOHN JAY.

FROM THE COMMISSIONERS OF THE BOARD OF TREASURY
TO JOHN JAY.

Board of Treasury, }
February 25, 1787. }

Sir,

We are honored with your letter of the 18th instant, enclosing two letters directed to this Board, from Mr. Robert Morris and Mr. Samuel Vaughan, and two others directed to yourself.

From Mr. Vaughan's letter to the Board, we are not able to determine what office in the Mint Department he would wish to occupy; though from the detail he has entered into in his letter to you, we have reason to conclude that the office he has in view, is in no degree connected with the present establishment of the Mint. As we have no authority under the late ordinance of the Mint to nominate any of the officers who are to execute the various

duties of that establishment, we can only engage to lay before Congress the communications you have been pleased to make to this Board on the subject of Mr. Vaughan's application.

Enclosed you will be pleased to receive the letters directed to yourself, from his Excellency Doctor Franklin and Mr. Samuel Vaughan.

We have the honor to be, with great esteem and respect, &c.

SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

FROM BENJAMIN FRANKLIN TO CHARLES THOMPSON.

Philadelphia, January 27, 1787.

Dear Friend,

You may remember, that in the correspondence between us in June last, on the subject of a million *free gift* of the King of France, acknowledged in our contract to have been received, but which did not appear to be accounted for in our banker's accounts, unless it should be the same with the million said to be received from the Farmers General, I mentioned, that an explanation might doubtless be easily obtained by writing to Mr. Grand or Mr. Jefferson. I know not whether you have accordingly written to either of them, but being desirous that the matter should speedily be cleared up, I wrote myself to Mr. Grand a letter upon it, of which I now enclose a copy, with his answers, and several letters from M. Durival, who is *Chef du Bureau des*

Fonds (and has under his care the finance) *des Affaires Etrangères*.

You will see by these letters, that the million in question was delivered to somebody, on the 10th of June, 1776, but it does not appear to whom. It is clear, however, that it could not be to Mr. Grand, nor to the Commissioners from Congress, for we did not meet in France till the end of December, 1776, or beginning of January, 1777, and that banker was not charged before with our affairs.

By the Minister's reserve in refusing him a copy of the receipt, I conjecture it must be money advanced for our use, to M. de Beaumarchais, and that it is a *Mystère du Cabinet*, which perhaps should not be further inquired into, unless necessary to guard against more demands than may be just from that agent; for it may well be supposed, that if the Court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction, so early in our dispute with Britain. Pray tell me, has he dropped his demands, or does he still continue to worry you with them?

I should like to have these original letters returned to me, but you may if you please keep copies of them. It is true, the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged, as so much lent and to be repaid, but stated as freely given. Yet, if it was put into the hands of any of your agents or ministers, they ought certainly to account for it. I do not recollect whether Mr. Deane had arrived in France before the 10th of June, 1776;* but from his great want of money, when

* Deane did not arrive in Paris till the first week in July.

I joined him a few months after, I hardly think it could have been paid to him. Possibly Mr. Jefferson may obtain the information, though Mr. Grand could not, and I wish he may be directed to make the inquiry, as I know he would do it directly; I mean, if by Hortales and Co's further demands, or for any other reason, such an inquiry should be thought necessary.*

I am, &c.

BENJAMIN FRANKLIN.



FROM BENJAMIN FRANKLIN TO JOHN JAY.

Philadelphia, June 27, 1788.

Sir,

In arranging some old papers, I lately found the enclosed letter from Mr. Blunt, enclosing copy of a certificate of Commodore Jones, in favor of John Jackson. I ought (though so long delayed) to send some answer. Can you inform me whether any thing has been done for Jackson in consequence of the Commodore's promise?

I send you also two other papers respecting services formerly done the United States by Mr. Limozin, of Havre, and Mr. Milliet, of Lisbon, for your consideration; and to be disposed of as you shall think proper. Please to inform me whether Dohrman is still in America. With great and sincere esteem, &c.

BENJAMIN FRANKLIN.

* This matter was not cleared up till 1794, when Gouverneur Morris was American Minister in Paris. By application to the government he procured a copy of the receipt of the person, who received the million of francs on the 10th of June, 1775. It proved to be Beaumarchais as Dr. Franklin had conjectured. See *Pitkin's History of the United States*, Vol I. p. 422.

FROM JAMES BLUNT TO BENJAMIN FRANKLIN.

London, August 2, 1785.

Sir,

Well acquainted as I am with your sentiments of philanthropy and benevolence, from the testimony of those friends of yours, whom I have the pleasure of being acquainted with, I deem an apology unnecessary, for the liberty I take of intruding on your time, as it is to lay before you a case of real distress. A friend of mine has shewn me the originals of the enclosed papers, and tells me the poor man has placed his whole dependence on the allowance mentioned in them. He has waited for some time the arrival of the American Ambassador at this Court, to whom he has shown his claim, but he has been referred by him to Mr. Jefferson, at Paris. If you would be so kind as to inform me what are the proper measures to be taken for assisting this poor man, and your opinion on his case, you will oblige me, and increase the veneration and respect which your illustrious character has excited in me.

I beg leave to congratulate you, as well in my own name, as in that of my father, Mr. William Blunt, and all our family, on your safe return to this country, and with sincerest wishes for your health and enjoyment,

I remain, &c.

JAMES BLUNT.

Copy.

I do hereby certify, that the bearer, John Jackson, of Hull, came on board the American ship of war the Bon Homme Richard, under my command, off the

Spurn, on the coast of England, on the morning of the 22nd September last, he having mistaken the *Bon Homme Richard* for a British ship of war; that I found it necessary to detain him on board while near the banks on that coast, and afterwards purposed to set him, with his companion and their boat at liberty, and reward them for the service that I had obliged them to perform; but on the day following, when I met with the Baltic fleet, as the pilot boat was some incumbrance, the partner of the bearer was put on board, to keep the boat out of harm's way during the action between the *Bon Homme Richard* and *Serapis*, after which he was to return and take in the bearer, that they might return home together. The boat however did not return, and the poor man had, in the action, the irreparable misfortune to lose an arm; deeply impressed with a sense of his misfortune, and earnestly desiring to make this poor man and his family what recompense lays in my power, I have given him this day an hundred ducats, and I do also promise, in behalf of the United States, that he shall receive half pay as a pilot the remainder of his life, to commence from the date hereof, payable every six months by the American Ambassador at the Court of France, upon certificate at each payment from two or more magistrates, expressing the place where the bearer, John Jackson, is then living, and that he is really and truly the person in whose favor this obligation is granted.

Given on board the *Serapis* at the Texel, November 15, 1779.

JOHN PAUL JONES.

Copy.

Town and county of }
Kingston upon Hull. }

We, two of his Majesty's justices of the peace for the town of Kingston upon Hull aforesaid, and county of the same town, do hereby certify, that John Jackson, of the same town, mariner, (to whom a certificate was given, dated November 15th 1779, under the hands of John P. Jones, thereby promising on behalf of the United States of America, that the said John Jackson should receive half pay as a pilot, the remainder of his life, to commence from the date thereof, payable every six months by the American Ambassador at the Court of France) is now living in the parish of the Holy Trinity, in the town of Kingston upon Hull aforesaid, that he is really and surely the person in whose favor the said certificate was granted.

Given under our hands, this 10th day of June, 1785.

HEN. BROADLEY, Mayor,

H. ETHERINGTON.

FROM JAMES MADISON TO BENJAMIN FRANKLIN.

Virginia, April 20, 1788.

Sir,

I have the honor to enclose herewith a letter of Mr. Limozin of Havre de Grace. The external address to me, was made on a supposition of my being an attending member of Congress, as I find from a note within the letter, in order to make me acquainted with the circumstances which are to be laid before Congress.

With the highest respect and esteem, &c.

JAMES MADISON.

FROM ANDREW LIMOZIN TO BENJAMIN FRANKLIN.

Havre de Grace, January 26, 1788.

Most Honored Sir,

I have learnt with the greatest pleasure that your Excellency enjoys a good health, for I am enquiring about it from all the travellers who are coming from America. I am now forwarding to Congress an act passed in our King's Council for sundry favors granted to the American trade. Mr. Jefferson applied to me for advice relating to that matter a long while before that act took place; but I was sorry to find, that only a small part of the favors I had required, were granted. It is a very great pity that the French Ministers are not thoroughly acquainted with all particulars concerning trade, and know but very little about the duties received in our custom houses, which encreases the troubles of a foreign Ambassador. I am in good hopes, that as soon as your country will be entirely settled in the regulation of its administration, your Excellency will not forget that when peace was made, a very considerable number of American prisoners came from England to this port, that they were in the greatest distress, and that they had neither shoes nor stockings, nay even a great many had no breeches: that we had at that time very severe cold weather, that these poor souls, having no money, could not provide themselves either with these articles, or even with victuals. Hunger is a necessity which forces sometimes the most virtuous people to forget their duty, and in consequence will force a man to extremes. I have experienced it during almost a fortnight, that we had such a great number of American prisoners landed here, coming from the English

prisons. These unhappy men who had sacrificed their liberty in working and fighting for their country, expected to find relief when they came back to a country, which they knew had fought for their cause. When I showed to these unhappy fellows the orders I had from Mr. Barclay not to let them have a farthing because Congress had not provided for them, I heard at once four or five hundred tongues threatening me to pull down my house, I was obliged to assist every one of them in proportion of their distress, to give six livres to some, nine to others, and 12 to them who had neither shoes nor shirts nor stockings, and had only a very poor pair of trowsers. I mentioned it when I had the honor to enjoy your Excellency's company at my house; your Excellency was so obliging as to promise to mention it to Congress, in order that I should be, if not reimbursed entirely, at least rewarded. Since that time I have performed the duty of the agency for the United States of America; and I am happy enough to say, that I have done it to the great satisfaction both of the American masters and of the sailors. I have procured them redress, justice, and I can with pleasure say, that until this day, not one single American master, nor one single American sailor, has complained that I have not done justice. When I have seen masters refusing to acknowledge my authority, and in consequence to comply with my advice, I have advanced money to the sailors whom the masters (very often Scotch) wanted to impose upon them, to procure redress to these poor people. Mr. Thomas Jefferson has been informed of all my proceedings, which have met with his approbation. An American ship called the Polly and Sally, captain Thomas, was under the risk of being seized three weeks ago, for having taken a freight at Senegal for this

place, although the master had got permission from the Senegal governor to undertake that voyage. I applied to Mr. Jefferson and claimed his protection in behalf of that captain, he found that the master having transgressed it would not be possible, considering his appointment, for him to take the defence of that master. I have done it myself, and succeeded not only to get for the master, leave to unload here, but procured him justice for his freight and due demurrage.

I should have never repeated these circumstances, had I not observed that Congress having lately taken into consideration the services of one Mr. Dohrman, have rewarded him for the same, I must own that I never expected to be reimbursed for the money I had distributed amongst the American prisoners, because I was not entitled to do it; on the contrary Mr. Barclay had informed me that funds were appointed by Congress for that purpose. I must own likewise that if I had not seen these poor people so angry and in such passion; fomented by their extreme distress, I should not have given them that assistance.

I shall not enlarge myself any further on that subject. I shall be perfectly satisfied with what Congress will do in my behalf. I enjoy, thank God, a fortune which is not much lessened by the above expenses. If Congress will defray nothing about it, I must beg that I should be legally appointed agent with power in behalf of my son Edward Limozin, to act such in my absence. I hope your Excellency will not refuse to make in my name the above petition to Congress, and honor it with your recommendation.

I have the honor to be, &c.

ANDREW LIMOZIN.

Memorial of the Sieur Gabriel Milliet, formerly merchant at Lisbon, but now residing at Chaillot near Paris.

Translation.

The Sieur Arnold Henry Dohrman, commissioned by Congress to give every necessary assistance to such Americans as the fortunes of war might bring into this port, called upon me in the month of January, 1780, and proposed to me to engage in some adventures to America in mutual concern with him, not daring to undertake it of himself, he said, lest he should render himself suspicious to the Portuguese Government. He showed me so many advantages in these operations that I consented to make at least one trial. We therefore agreed that I should purchase a ship, that I should fit her out, and that he would load her with wines to the amount of the cost of the ship; and that for greater security she should be cleared out for St. Eustatia, and stop at Cadiz to be made a Spanish bottom, and take out letters of marque in order to cruise for prizes between Europe and America.

These points being agreed upon, I ordered Mr. Roze, my clerk, a Portuguese, to purchase a ship. He immediately executed my orders, and purchased, in his own name, but for me and with my money, at auction, the 29th January, 1780, an American vessel called the *Roe-buck*; this ship, which had been captured by an English privateer, and brought into this port, was sold by Messrs. Breton & Brothers, to whom it was consigned.

The purchase money, duties, petty charges and provisions, run this ship up to about twenty-four thousand livres, and I think that Mr. Dohrman put in her to the

amount of eighteen to nineteen thousand livres in wines of different qualities. He, moreover, put on board, fifty or sixty American passengers, who were all supported by the provisions I had put on board.

Mr. Dohrman has undoubtedly claimed payment from Congress, for the advances made the Americans, both on account of their expenses at Lisbon, as well as their passage from Lisbon to America; but I will not anticipate, and will relate facts as they happened.

This ship took out Portuguese papers, and was called the *St. Francis and St. Rose*, and sailed the 23rd February, for Cadiz, where she arrived the 26th of the same month. Mr. Dohrman then took charge of her, and addressed her to Messrs. Grepy Agazino & Co. of that place. These gentlemen, in conformity with orders, made a pretended sale of her to Don Joseph de Mirande, a Spanish merchant, who accordingly furnished her with Spanish papers, and obtained letters of marque, and despatched her for English America.

As I have said above, there was on board this ship between fifty and sixty American passengers, who were maintained at my expense, as well on board said vessel, as in Cadiz, where I paid about one thousand crowns in further supplies of provisions. I make no doubt, as already remarked, that Mr. Dohrman has been re-imbursed by Congress, for all the expenses relating to these passengers, but I have heard nothing concerning the matter, nor has Mr. Dohrman ever made me the least remittance.

But let us come to the chief point. This vessel arrived fortunately at Boston, but as the Spanish captain who commanded her was not furnished with such titles as would justify the purchase of this vessel at Lisbon, she

was claimed by her former owner, who was a merchant at Boston; the wine was also seized with the vessel, and the whole sold. Such, in a few words, is the news I have received concerning this vessel, and I had no other accounts as late as the month of May, 1783, when Mr. Dohrman departed from this city for North America, at which time, being deceived by the said Dohrman, respecting the fate of this vessel, I consented to a settlement with him, in which it is said that in order to terminate all differences that might attend a surrender of accounts relating to this ship, I would give up all my pretensions, and would content myself with the sum of sixteen thousand livres, payable in the month of May, 1785, in lieu of about twenty-six thousand livres which this vessel cost me.

Since that time, I have learned from a person who transacted business for Mr. Dohrman in America, and has returned from that country, that the said Mr. Dohrman had obtained a replevy of the seizure made at Boston, and that he received in the year 1781, the amount of the ship, which was not sold to a loss, and also of the wines which composed her cargo, that had been sold to a considerable profit.

Will not this deception on the part of Mr. Dohrman annul the agreement of the month of May, 1783, and justify a prosecution for the surrender of accounts concerning this transaction? several lawyers whom I have consulted in this country are for the affirmative.

I have also another account to settle with Mr. Dohrman. In January, 1780, I sent him seven cases containing 1,584 hats, amounting to 15,867 livres, they were shipped in his name, on board the ship Juffrouw

Catharine, as you may see by the copy of bill of lading, which is annexed to this memorial, but his declaration of 3rd January, 1780, of which I likewise send a copy, proves my property incontestibly.

When Mr. Dohrman went out for North America last year, he would neither pay me for this article, nor take any steps to secure me payment, on pretence of not knowing what had become of the hats; but I am informed by the aforementioned person, that the said hats have been sold, and that Mr. Dohrman has received the amount of them, and I know also that they yielded a profit. I ask therefore what steps I have to pursue in these two cases.

I have a copy of the bill of lading of Mr. Dohrman's declaration, of 3rd January, 1780, and all his other acknowledgements.



FROM JOHN JAY TO BENJAMIN FRANKLIN.

New York, September 3, 1788.

Sir,

During my late absence from this city the letter you did me the honor to write on the 27th June, arrived. You mentioned to have enclosed in it, a letter from Mr. Blunt, enclosing a copy of a certificate from Commodore Jones in favor of John Jackson. But by some mistake neither of those letters were enclosed, the two other papers respecting services done the United States by Mr. Limozin and Milliet, were enclosed; and I expect soon to be enabled to write to you particularly on the subject of them. Mr. Dohrman is still in this city, and the let-

ter enclosed in yours for him, has been sent to him. I cannot learn that any thing has been done for Jackson in consequence of the Commodore's promise.

I am, &c.

JOHN JAY.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF
CONGRESS.

Philadelphia, November 29, 1788.

Sir,

When I had the honor of being the Minister of the United States at the Court of France, Mr. Barclay arriving there, brought me the following resolution of Congress:

“Resolved, That a commissioner be appointed by Congress, with full power and authority to liquidate, and *finally to settle*, the accounts of all the servants of the United States, who have been entrusted with the expenditure of public money in Europe, and to commence and prosecute such suits, causes, and actions, as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person, or persons, whatsoever.

“That the said commissioner be authorized to appoint one or more clerks, with such allowance as he may think reasonable.

“That the said commissioner and clerks, respectively, take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively.

“Congress proceeded to the election of a commissioner, and ballots being taken, Mr. T. Barclay was elected.”

In pursuance of this resolution, and as soon as Mr. Barclay was at leisure from more pressing business, I rendered to him all my accounts, which he examined, and stated methodically. By this statement he found a balance due me on the 4th of May, 1785, of 7,533 livres, 19 sols, 3 den. which I accordingly received of the Congress banker; the difference between my statement and his being only seven sols, which by mistake I had overcharged; about three pence halfpenny sterling.

At my request, however, the accounts were left open for the consideration of Congress, and not finally settled, there being some articles on which I desired their judgment, and having some equitable demands, as I thought them, for extra services, which he had not conceived himself empowered to allow, and therefore I did not put them in my account. He transmitted the accounts to Congress, and had advice of their being received. On my arrival at Philadelphia, one of the first things I did was to despatch my grandson, William T. Franklin, to New York, to obtain a final settlement of those accounts; he having long acted as my secretary, and being well acquainted with the transactions, was able to give an explanation of the articles, that might seem to require explaining, if any such there were. He returned without effecting the settlement, being told that it could not be made till the arrival of some documents expected from France. What those documents were, I have not been informed, nor can I readily conceive, as all the vouchers existing there had been examined by Mr. Barclay. And I, having been immediately after my arrival engaged in

the public business of this State, waited in expectation of hearing from Congress, in case any part of my accounts had been objected to.

It is now more than three years that those accounts have been before that honorable body, and, to this day, no notice of any such objection has been communicated to me. But reports have, for sometime past, been circulated here, and propagated in the newspapers, that I am greatly indebted to the United States, for large sums that had been put into my hands, and that I avoid a settlement. This, together with the little time one of my age may expect to live, makes it necessary for me to request earnestly, which I hereby do, that the Congress would be pleased, without further delay, to examine those accounts, and if they find therein any article or articles, which they do not understand or approve, that they would cause me to be acquainted with the same, that I may have an opportunity of offering such explanations or reasons in support of them as may be in my power, and then that the accounts may be finally closed.

I hope the Congress will soon be able to attend to this business for the satisfaction of the public, as well as in condescension to my request. In the meantime, if there be no impropriety in it, I would desire that this letter, together with another relating to the same subject, the copy of which is hereunto annexed, may be put upon their minutes.

With every sentiment of respect and duty to Congress, I am, sir, &c.

B. FRANKLIN.



THE
CORRESPONDENCE

OF

JOHN ADAMS,
MINISTER PLENIPOTENTIARY TO HOLLAND.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, March 9, 1784.

Sir,

On the 18th day of February the Baron de Thulemeier, Envoy Extraordinary to their high Mightinesses from the King of Prussia, did me the honor of a visit, but as he found I had company, he soon took his leave, and as I accompanied him to the head of the stairs, he told me he had something to propose to me from the King, and desired to know when he might call again, I offered to return his visit at any hour he pleased, he chose to call upon me, and named eleven the next day, at which hour he came, and told me, "That the King, who honored him with a personal correspondence, and was acquainted with my character, had directed him to make me a visit, and to say to me, that as his subjects had occasion for our tobacco, and some other things, and as we had occasion for Silesia linens, and some other productions of his dominions, he thought an arrangement might be made between his Crown and the United States which would be beneficial to both;" and the Baron desired to know my sentiments of it.

I answered him, "That I was very sensible of the honor done by his Majesty, but that I had singly no authority to treat or enter into conferences, officially, upon the subject, that Congress had been pleased to confer upon their Ministers at the late peace, authority to enter into conferences ; that I could do nothing but in concurrence with Mr. Franklin and Mr. Jay, who were at Paris, but I thought I could answer for the good dispositions of those Ministers, as well as my own, for forming an arrangement between the two powers which might be beneficial to both ; that I would write to those Ministers an account of what had passed; he desired I would, and said he would write by the first post to the King, and inquire if his Majesty had any thing in particular to propose, would inform him of my answer, and wait his further orders, which probably he should receive as soon as I should have an answer from Paris.

I wrote the next day, and on Saturday last, received an answer from Doctor Franklin and Mr. Jay, in which they say, that they are persuaded that the communication of the friendly disposition of his Prussian Majesty made to you by the Baron de Thulemeier will give great pleasure to Congress. The respect, with which the reputation of that great Prince has impressed the United States, early induced them to consider his friendship as a desirable object, and we are happy in being authorized to assure his Majesty, that they will most cheerfully enter into such a commercial treaty with him, as, being founded upon principles of reciprocity, may be productive of equal benefit to both countries. Although we have no commission to conclude such a treaty, yet our instructions from Congress enable us to join with the King's Minister in pre-

paring a draft of such a treaty, which, being sent to Congress, they would, together with a commission to conclude the treaty, give us pointed instructions on the subject, and much time might thereby be saved. If you are of this opinion, and his Majesty should be pleased to approve such a measure, we think the articles may be discussed between you and the Baron, in the first instance, on the principles which govern in the treaties you mention, both of which have been approved and ratified, (i. e. with Holland and Sweden,) that being done, we might confer together, and write a joint letter to Congress on the subject. We shall, nevertheless, make this communication a part of our next despatch to Congress.

Yesterday, meeting the Baron at Court, on occasion of the Prince of Orange's birth day, he told me he had received another letter from the King, and would call upon me in the evening, which he did, and informed me that the King had written to him that he was collecting all necessary papers, and would soon send them to him, with his further propositions to be made to me. I shewed him my letter from Paris, with which he was well satisfied.

He added, that the King had directed him to mention rice, and indigo as articles in demand in his ports of Embden and Stettin; and that a large quantity of Virginia tobacco had been this year purchased in those ports, for the Baltic market; and that the excellent porcelain of Saxony, might be a desirable article for the Americans.

I beg leave to submit to Congress, whether the model of the treaty with Holland or Sweden may not, in general, be convenient for one with Prussia; as also the propriety of sending a full power to their Ministers at the late peace, or one or more of them to conclude this business.

With a great deal of difficulty and at a dear rate, I have at last obtained money to save Mr. Morris' bills, which are payable this month, from going back. Messrs. Willink & Co. will transmit the contract for the ratification of Congress. It is much to be lamented, that we are obliged to agree to so high terms, but there was absolutely no other alternative but this, or protesting the bills. This business has hitherto necessarily prevented me from joining my colleagues at Paris, in the execution of our instructions.

With great respect, &c.

JOHN ADAMS.

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*Extract from the Secret Journal of Foreign Affairs,
February 1st, 1785.*

“ On the report of a Grand Committee, consisting of Mr. Read, Mr. Foster, Mr. Partridge, Mr. Howell, Mr. Cook, Mr. Platt, Mr. Cadwallader, Mr. Henry, Mr. McHenry, Mr. Hardy, Mr. Williamson and Mr. Houston, to whom was referred a letter of the 30th September, from the late Superintendent of Finance, enclosing the terms of a loan of two millions of guilders, negotiated in the United Netherlands, by the Honorable John Adams, and an obligation for the same, entered into the 9th of March, 1784, by him, on behalf of the United States of America.

Resolved, That three fair copies of the obligation be made out, and that a ratification be endorsed on each of them, duly attested, and that the Secretary for the Department of Foreign Affairs, transmit the same by sev-

eral conveyances, to the Minister of the United States, to their High Mightinesses the States General of the United Netherlands.

Resolved, That the ratification be in the following terms :

Be it remembered, that the within contract or engagement, entered into by the Honorable John Adams, Esquire, Minister Plenipotentiary of the United States of America to their High Mightinesses the Lords the States General of the United Netherlands, in behalf of the said States, with Messrs. Willemm and John Willink, Nicholas and Jacob Van Staphorst, and de la Lande and Fynjs, and their successors or assignees, for a loan of two millions of guilders, dated at the Hague, March 9th, 1784, hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

Done in the City Hall, in the City of New York, by the United States in Congress assembled, this first day of February, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of our sovereignty and independence."



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, March 27, 1784.

Sir,

I have the honor to enclose copies of three notes, from the Prussian Minister, the Baron Thulemeier, by which Congress will see, that the King has agreed to take our treaty with Sweden for a model, reserving to

each party the right of suggesting such alterations as shall appear to him convenient. My request to Congress, is, that they would be pleased to send instructions at the same time, when they send a commission, what articles of the treaty with Sweden, they would have expunged, and what new ones inserted, if any: I mention the sending of a commission, because I suppose it is the intention of Congress to send one. The instructions already received are not a full power under which any sovereign can conclude nor regularly even treat; we can only confer. There will be some difficulty about the signature, since his Majesty chooses the negotiation should be conducted by M. de Thulemeier. If Congress send the commission to their Ministers at the late peace as they did the instructions, Mr. de Thulemeier must take a journey to Paris, or a majority of the American Ministers must be at the Hague.

It is a great pleasure to me to be able to inform Congress, that I have obtained the promise of a sum sufficient upon the new loan to save the honor of the Financier's bills, although I regret the severity of the terms; they were the most moderate, which would obtain the money. I hope for the approbation of Congress, and their ratification of the contract as soon as may be. Money is really so scarce, and there are so many loans open on even higher conditions, that it will not be possible I fear to obtain more money here on more reasonable ones. An impost once laid on to pay the interest whether by the authority of Congress, if that should be agreed to, or by that of several States, would soon give us better credit here. But in order to keep our reputation, upon

which our credit depends, there should be some body constantly residing here to publish illustrations of our affairs, and to confute the calumnies of our enemies of all denominations.

With great and sincere respect, &c.

JOHN ADAMS.

NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 14, 1784.

Sir,

The King being desirous to give every possible consistence to the treaty of commerce, to be concluded on between his Majesty and the United States of America, very willingly adopts your idea, of taking for a model the one which has been negotiated with Sweden, and afterwards introducing such changes as a difference of circumstances and position may render necessary; a copy of this treaty has been asked of me, but, as I have none at my disposal, I take the liberty of having recourse to you, sir, and requesting you to give it to me; if I receive it in the course of to-morrow, I may be able to forward it by Tuesday's post, which goes, as you may perhaps be informed, before noon.

I have the honor to be, &c.

THULEMEIER.

P. S. If the treaty of commerce with Sweden should not be in print, I will have that which you shall send to me, copied immediately, and I will have the honor, sir, to return you the original.

NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 25, 1784.

Sir,

You have desired information of the merchandizes and productions which may be the object of a reciprocal commerce, between the States of his Prussian Majesty, and those of the United States of America, I am too much flattered with the idea of establishing these new commercial connexions in conjunction with you, not to be earnestly desirous of communicating to you the ideas I have collected, both from the instructions which my Court has furnished me with in the first instance, and such as I have obtained from other channels. The description that I offer you will be however very succinct. Confining myself to the most essential articles, I tender you, sir, every éclaircissement you may wish for and which may be necessary, perhaps when the negotiation with which we are charged, shall have taken some consistence.

Importations into his Prussian Majesty's dominions.

- A. Virginia tobacco.
- B. Rice.
- C. Indigo.
- D. Whale Oil.

Exportations from his Majesty's dominions to the United States of America.

- A. Silesian linens of general sale throughout the continent of America as also in the West Indies.
- B. Russian hemp, the best that is known.

C. Berlin Porcelain, a finer kind than that of Saxony, and not so dear.

D. Some productions of Prussian industry, such as hardware from the county of Mark, which till now, as well as the Silesian linens, have gone through the hands of the English and have consequently increased their price on their entry into America.

E. Cloths of all kinds, samblots and such like merchandizes.

I shall add, sir, that the King leaves to Congress the choice of such of his ports for the commerce of exchange, or the deposit of merchandize, as may be most suitable to them. Embden, situated towards the North Sea, opens the ports to a trade with the western part of Germany. Stettin, a maritime place on the Baltic with the interior of this vast region, by means of the Oder. Finally, the ports of the two Prussias establish a beneficial commerce with the kingdom of Poland, where the American fish, and especially the codfish, may be sold to the greatest advantage. I have the honor to be, &c.

THE BARON DE THULEMEIER.



NOTE FROM BARON THULEMEIER TO JOHN ADAMS.

Translation.

The Hague, March 25, 1784.

Sir,

The Sieur Christian Ravenhorst, Lutheran Minister at Ebenezer, in Georgia, died there some years ago, and his widow, Anne Barbarine Krafftin, died in the same place, the 1st July, 1779. By a reciprocal will made

between them, the husband bequeathed the sum of £300, sterling to his three sisters, settled in his Prussian Majesty's dominions, and the wife stipulated the same advantages in favor of her family, residing in Ravensburg. The remainder of the estate was to be divided in equal portions between the heirs of the testators, deducting two legacies of £40 sterling each, in favor of the religious missions in India, and the orphan house at Halle; Messrs Joseph Schubtrin and Jacob Waldhauer, at Ebenezer, were appointed executors, and it appears that they administered to the inheritance in this capacity, from a letter they dated 4th May, 1780, to Mary Hopkin, living at Däber, in Pomerania, and one of the sisters of the defunct Ravenhorst. From their own account the moveables of the estates were estimated at £487. 19s. sterling; there was £400 in debts, the recovery of which was put into an attorney's hands; there was, moreover, in property, 1300 acres of land provisionally administered to, by the executors, during the troubles of the American war; the heirs received no news concerning the arrangement of the estate; but in the last instance the professor Freylinghausen, one of the directors of the orphan house at Halle, was informed by a letter from Pennsylvania, that Mr. Schubtrin, one of the executors, had died in the meanwhile, and that the second, Mr. Waldhauer had been plundered by a band of robbers, of all the ready money and effects arising from the inheritance, committed to his care; supposing that this event was supported by legal proofs, the just pretensions of the heirs to the debts subsist, still in full force since the recovery of them, does not appear to have taken place; as likewise the immoveables, the

alienation of which was declared as impossible during the course of the war. One Sophia Newman, of the family of Ravenhorst, settled in Berlin, and sister of the Minister deceased, in Georgia, has claimed her Sovereign's protection, and it is in consequence of the King's orders, that the underwritten, his Majesty's Envoy Extraordinary, has been authorized to place the particulars of this affair before Mr. Adams, Minister Plenipotentiary from the United States at the Hague. He flatters himself that this Minister will be so good as to employ his services to obtain for the heirs, an authentic copy of the will and inventory, and make the necessary representations where it may be proper that the Executor may be obliged to give an account of the profits of the estate, of the moneys he has administered, and the capital and property, the liquidation of which has not yet been determined.

DE THULEMEIER.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, April 10, 1784.

Sir,

I have the honor to enclose to Congress a copy of a letter from the Baron de Thulemeier, and a copy of a project of a treaty transmitted to me by the order of the King of Prussia. I should hope it might be examined in Congress, or by a committee, and that instructions may be sent concerning any changes to be made in the articles, together with a commission to treat and conclude, to such person or persons, as Congress shall please to appoint.

With the greatest respect, &c.

JOHN ADAMS.

FROM BARON DE THULEMBIER TO JOHN ADAMS.

Translation.

Sir,

I have the honor to send you herewith, *in original*, the proposition of a treaty of commerce to be concluded on between his Prussian Majesty; and the United States of America, in the same condition as the King sent it to me, requesting of you to return it to me as soon as you shall have copied it. It will be infinitely agreeable to me, sir, and very satisfactory to our masters, to conduct, in concert with you, this negotiation to the desired point. If to-morrow, between seven and eight o'clock in the evening, you could grant me a moment's conversation, I shall, with great earnestness, call on you to know your sentiments.

I have added, sir, a description of Silesian linens, which, hitherto, have been in great demand by your countrymen; that is to say, if I am rightly informed by the Silesian merchant who furnished it.

I have the honor to be, &c.

DE THULEMEIER.

Description of the principal articles of Silesian linens, which have been sent hitherto to the United Provinces of North America, by the Sieur John Godfrey Linckh, merchant and manufacturer at Hirsberg.

- | | |
|---------------------|-------------------------------|
| 1. Hamburg Lawns, | 5. Tandem double Silesias, |
| 2. Long Lawns, | 6. Tandem quadruple Silesias, |
| 3. Pistol Lawns, | 7. Brown quadruple Silesias. |
| 4. Single Silesias, | 8. Estopills Unies. |

Translation.

Project of a treaty of amity and commerce between his Majesty the King of Prussia and the United States of North America.

The King of Prussia and the thirteen United States of North America desiring to fix in a stable and permanent manner, the rules to be observed in the intercourse and commerce between their respective countries, states, and subjects. His Majesty and the United States, have judged that the end cannot be better obtained than by taking the reciprocal utility and advantages of the two nations for the basis of their arrangements, by avoiding all burthensome preferences, which are commonly the occasion of dissensions, embarrassments and discontents, allowing at the same time each party to make such interior regulations respecting commerce and navigation as may be suitable to themselves.

With this view, his Majesty, the King of Prussia has nominated and constituted as his plenipotentiary the _____ and the United States have on their part given full power to _____, which plenipotentiaries, after having exchanged their full powers, and on mature deliberation have concluded, settled and signed the following articles.

ARTICLE 1. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the King of Prussia, his heirs and successors, and the United States of America, also between his Majesty's subjects and those of the said States, as well as between the countries, islands, cities and places under the jurisdiction of the King and the United States, without except-

ing any persons or places, the conditions stipulated in the present treaty shall be perpetual and permanent between the King, his heirs and successors and the said States.

ARTICLE II. The King of Prussia and the United States of America mutually engage not to grant hereafter any particular favor with respect to commerce and navigation, to other nations, that shall not immediately become common to either of the contracting parties of the present treaty, who shall partake of this favor gratuitously if the concession is gratuitous, or by giving the same compensation if the favor is conditional.

ARTICLE III. The principal end of this treaty being to open a reciprocal commerce between the subjects of the two States, and to procure for them, by that means, a sure and easy vent for their national productions; the two contracting parties agree, that the merchandizes of Prussian manufactory, particularly linens of Silesia and other provinces belonging to the King, cloths and woollen stuffs, &c. shall not pay other or heavier duties in the United States of North America, than what similar merchandizes of the most favored nation pay in the said States on entry and exportation. In like manner, the merchandizes of America, such as Virginia tobacco, rice, indigo, furs, &c. shall only be subject, on their entry and exportation in the ports and maritime places belonging to the King of Prussia, to the imposts paid by the most favored nations. It is understood, however, that the subjects of the two respective States shall not be allowed to trade to the ports and maritime places of either State, unless they submit to the established laws and customs of the country where they would wish to trade.

ARTICLE IV. The King of Prussia and the United States of America, reserve for themselves the right to

prohibit, in their respective countries, the importation or exportation of all merchandize whatsoever, when reasons of State require it. In this case, the subjects of either of the contracting parties of the present treaty, shall not import or export the merchandizes prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same articles, the subjects of the other contracting party shall enjoy the same liberty. It therefore follows, that all kinds of merchandize that are not declared contraband, may be freely imported and exported by the subjects of the two respective States.

ARTICLE v. For the purpose of avoiding the least occasion for discontent, it is agreed on between both parties, that when the merchandize shall be laden on board the ships or vessels of either of the two contracting parties, they shall be no longer subject to any visit, all visits and searching shall be made before the loading, and the prohibited merchandize shall be seized on the shore before it can be embarked, unless there be manifest signs and proofs of a fraudulent loading on the part of the proprietor of the ship, or of the commander, in this case alone, he shall be responsible and subject to the laws of the country he shall be in. In any other case, neither the subjects of one of the contracting parties, who shall be with their ships in the ports of the other, nor their merchandize, shall be seized or molested on account of the contraband articles they intended taking on board, nor any kind of embargo put on their ships; the subjects or citizens of the States where these merchandizes are declared contraband, or the exportation of them is prohibited, and who, notwithstanding, shall have sold or would

have sold and alienated the said merchandizes, are to be the only persons who shall be punished for such an infraction.

ARTICLE VI. The subjects of the King of Prussia shall not pay in the ports, harbors, roads, islands, cities and places of the United States of America, and reciprocally the subjects and inhabitants of the said States shall not pay in the ports, harbors, roads, cities and maritime places within the dominions of the King of Prussia, other or greater duties and imposts of any kind whatever than the most favored nations are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, humanities and exemptions, which the said nations do or shall enjoy, whether they go from one port to the other of the respective States, or whether they go or return from any part of the world whatever.

ARTICLE VII. A perfect liberty of conscience shall be granted to the inhabitants and subjects of both the contracting parties, within the jurisdiction of the other, and no one shall be molested on account of his mode of worship, *provided, he submits to such public demonstrations as are enjoined by the laws of the country.* Moreover, the respective inhabitants and subjects shall be permitted to bury their dead in suitable decent places appointed for this purpose, and the two contracting parties shall each of them, within their jurisdiction, provide that the respective subjects and inhabitants may be able to obtain certificates of the death of a person in case they shall be requested to grant them.

ARTICLE VIII. The subjects of the two contracting parties shall have power within the respective States freely to dispose of their personal goods or effects by

testament, donation, or otherwise, to whomsoever they please, and their heirs wherever they may reside, shall succeed to the said effects, *ab intestato*, either by themselves or by others acting for them, without the necessity of obtaining letters of naturalization. These inheritances, as likewise the capitals and funds which the subjects of the contracting parties, in moving, would wish to carry with them from the place of their residence, shall be exempted from all rights of detraction on the part of the government of the respective States. But it is at the same time agreed that the contents of this article shall not derogate in any manner, from the ordinances promulgated by the King against emigrations or that may hereafter be published on this matter, the United States on their part, or each State in particular, may enact such laws as they shall see fit on this same head.

ARTICLE IX. It shall be permitted to every subject and inhabitant of the States of the King of Prussia, as likewise to the citizens and inhabitants of the United States of America, to navigate with their vessels in perfect security and liberty wherever they please, without distinguishing whom the merchandize and cargo belong to; it shall also be permitted for the subjects and inhabitants of the two States to navigate and trade with their vessels and merchandizes in full security to the parts, ports and harbors, of powers at enmity with the two contracting parties, or either of them without being anywise molested or troubled, whether they carry on this commerce directly or from one port to another, both belonging to an enemy under the government of the same or of different princes, moreover the contracting parties adopt by the present treaty the principle, that free vessels shall

make free goods, and that every thing shall be regarded as free which shall be on board of vessels belonging to the subjects of either of the contracting parties, even though the cargo shall belong entirely or in part to the enemies of one of the two: it being understood, however, that contraband articles shall be always excepted, and that when such articles shall be intercepted, they shall be proceeded against according to the spirit of the following articles. The same liberty shall extend to persons sailing in a free vessel, so that although they may be subjects of powers inimical to the two contracting parties or either of them, they shall not be taken out of the free vessel, excepting they shall be military characters actually in the enemy's service.

ARTICLE X. This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting only such as are expressed in the following article, and designated under the name of contraband merchandize.

ARTICLE XI. By prohibited or contraband articles, are understood arms, cannon, ball, arquebusses, muskets, mortars, shells, petards, grenades, saucisses, hoops, carriages, rests for muskets, shoulder-belts, gunpowder, matches, sulphur, shot, pikes, sabres, swords, morions, helmets, halberds, javelins, pistols and holsters, belts, bayonets, horses and harnesses, and every other kind of arms and instruments of war serving for the use of troops.

ARTICLE XII. The following shall not be reckoned among the contraband articles, viz: all kinds of cloths and other manufactures of linens, wool, silk, cotton, or other materials, all kinds of clothing, and what commonly serves for that purpose, coined or uncoined silver, tin, iron, lead, copper, brass, furnace coals, wheat, barley, and all other

kinds of grains and vegetables, tobacco, all kinds of aromatics, salted and smoked beef, salted fish, cheese and butter, beer, oil, wine, sugar, all kinds of salt, and provisions, which serve for the nourishment and subsistence of man, cotton, hemp, flax, cordage, cables, sails, sailcloths, anchors and parts of anchors, masts, planks, staves, beams, and all kinds of joist; in short, every thing that is necessary for building and repairing vessels.

Moreover, nothing shall be considered as contraband which is not in the form of any instrument or machine for the purpose of war by land or sea, much less any thing fabricated or intended for any other purpose. All such articles shall be deemed free merchandize, as also in general, all such as are not comprehended and particularly pointed out in the preceding article, so that they cannot, by any pretended construction, be comprehended within prohibited or contraband merchandizes, but may be freely transported by the King's subjects, and by the citizens of the United States, even to the enemy's territories, excepting only places beseiged, blocked up or invested, and those only shall be considered as such, which are closely surrounded by any of the belligerent powers.

ARTICLE XIII. In order to remove and prevent on both sides, all discussion and disorders, it is agreed, that where one of the two contracting parties shall be engaged in a war, the ships and vessels belonging to the subjects of the other, shall be provided with sea letters or passports, expressing the name, the property and burthen of the vessel, as also the name and dwelling of the master or commander, so that it may, by this means, appear that the vessel really and truly belongs to the subjects and citizens of one or the other contracting par-

ties. These passports, which shall be made out in good and due form, shall on both sides be renewed as often as the vessels return home in the course of a year. The said vessels shall, moreover, be provided not only with sea letters but also with certificates, containing the particulars of the cargo, the place from which the vessel sailed, and where she is destined, in order that it may be known that she carries no prohibited or contraband goods, specified in the eleventh article of this present treaty, which certificates shall be alike made out by the officers of the place from which the vessel sails.

ARTICLE XIV. Although the vessels of either of the contracting parties may navigate freely and in full security, as is explained in the ninth article, they shall, notwithstanding, be obliged, every time they are demanded, to show, as well at sea as in port, the beforementioned passports and certificates, and if they are not loaded with contraband articles for an enemy's port, they shall be allowed freely and without restriction to pursue their voyage towards the place of their destination.

ARTICLE XV. If, on producing the certificates, it shall be discovered that the vessel has on board any of the articles which are declared prohibited or contraband, and which are consigned to an enemy's port, it shall not, however, be permitted to break open the hatches of said vessel, nor to open any case, box, bale or cask, or to displace them, or to overturn the least part of the merchandize until the cargo has been landed in the presence of officers appointed for this purpose, and the *inventory* taken. Moreover, it shall not be permitted to sell, exchange or alienate the cargo, or any part thereof, before legal process is obtained against the prohibited goods,

and that they shall have been declared confiscated by sentence, reserving nevertheless, as well the ship as the other goods, which were on board, and which, in virtue of the present treaty are judged free, they shall not be restrained under pretence that they were loaded with prohibited articles, and still less confiscated as lawful prize. And on supposition that the said contraband goods making but a part of the cargo, the master of the vessel agrees, consents, and offers to deliver them on board the vessel which shall have detected them; in this case the latter, after having received the goods as lawful prize, shall be bound to let the vessel go immediately, and shall not prevent her by any means to pursue her route towards the place of her destination. If any vessel, taken and carried into one of the ports of the contracting parties, under pretence of contraband, is found, upon visiting, to be only loaded with goods declared to be free, the owner, or the person who shall have made the capture, shall be obliged to pay all expenses and damages to the master of the vessel unjustly detained.

ARTICLE XVI. It is mutually agreed that every thing that should be found laden by the subjects of one of the contracting parties on board a vessel belonging to the enemies of the other party, shall be wholly confiscated, although these effects may not be among the number of those declared contraband, in the same manner as if these articles belonged to the enemy themselves, excepting, however, effects and merchandizes which shall have been laden on board of vessels belonging to the enemy before the declaration of war, and also nine months after the declaration, after which time it shall be supposed it could not be unknown. The merchandizes shall in nowise be

subject to confiscation, but shall be faithfully restored to the owners, who shall reclaim, or cause them to be reclaimed, before their confiscation and sale, where the claim cannot be made within the space of eight months after the sale, which must be public, the proceeds shall be returned to the owner; it being understood, however, that if the said merchandizes are contraband, they shall by no means be permitted to transport them afterwards to any port belonging to the enemy.

ARTICLE XVII. And in order to provide more effectually for the security of the two contracting parties and their subjects, all captains and commanders of vessels belonging to his Prussian Majesty and the United States of America, as also all their subjects, shall be forbid to commit any damage or insult against the vessels of the other party, and in case that any one shall contravene this prohibition, and upon examination shall be found culpable before his own judge, he shall be bound to give satisfaction for all damages and interests, and to indemnify them under penalty and obligation of his person and effects.

ARTICLE XVIII. For this purpose, every person who would fit out a privateer, shall be obliged, before he receives his patents or special commissions, to give security before a competent judge of good substantial persons severally and conjointly, in a sum sufficient for the purpose of answering for all damages and wrongs which the owner, his officers, or others in his service may do, during their cruise, against the tenor of the present treaty, and against the edicts made on both sides, in virtue of the same treaty, by the King of Prussia and the United States, and this under penalty of revoking and annulling said patents and special commissions.

ARTICLE XIX. One of the contracting parties being at war, and the other remaining neuter, should it so happen that a merchantman of the neutral power be taken by the enemy of the power at war, and retaken afterwards by a vessel or privateer of said power at war, these ships, as likewise all the ships and merchandizes of what kind soever, which shall have been taken in the hands of any pirate or rover of the seas, shall be brought into some port of either of the two States, and put under the care of the officer of said port, in order that they may be entirely restored to their true owner as soon as he shall produce sufficient proofs of his property. The merchants, masters, and owners of vessels, sailors, &c. the ships and vessels, and in general any kind of merchandizes or effects of one of the contracting parties or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, places, shores, or dominions, whatever, of the other party, for any military expedition, public or private use of any person whatever, by seizure, force, or any like manner. Much less shall the subjects of one of the contracting parties be allowed to take or seize on any thing by force, belonging to the subjects of the other party, without the consent of the owner, which, however, is not to extend to seizures and arrests which shall be made by order and authority of the justice, and according to the ordinary measures on account of debts or crimes, on which subjects process is to be had agreeably to the forms of justice.

ARTICLE XX. Should it happen that the two contracting parties should be engaged in war at the same time against a common enemy, the following points shall be observed between them.

1st. If the vessels of one of the two nations, re-taken by the privateers of the other, shall not have been in possession of the enemy more than twenty-four hours, they shall be restored to the first owner for one third of the value of the vessel and cargo ; if, on the contrary, the re-taken vessel shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the re-captor.

2nd. Where it shall happen that a ship is re-taken by a vessel of war belonging to the government of one of the two contracting powers, within the interval of twenty-four hours, she shall be restored to the first owner for one thirtieth of the value of the ship and cargo, and the tenth if she has been re-taken after the twenty-four hours, which sums shall be distributed in gratuities to the crews of the vessels which shall make the re-capture.

3rd. The prizes made in the aforesaid manner, shall be restored to the proprietors, after proof made of the property, with surety given for the part to which the party who has re-taken the vessel from the enemy, is entitled.

4th. The vessels of war of the two contracting parties, and of their subjects, shall be reciprocally admitted with their prizes into the respective ports ; but these prizes shall not be discharged or sold until their legality shall have been decided according to the laws and regulations of the States to which the privateers belong, but by the judicature of the place into which the prize shall have been conducted.

5th. Moreover, it shall be free to the contracting parties, to make such regulations as they shall judge

necessary for the conduct of their respective vessels and privateers, relative to the vessels which they shall take and carry into the ports of the two powers.

ARTICLE XXI. The armed vessels may conduct with full liberty, the prizes they shall have taken from their enemies, in the open ports, in time of war, to other friendly nations, and these prizes, so entering into said ports shall not be subject to be stopped or seized, nor shall the officers of the place have any right to take cognizance of the validity of said prizes, which shall be allowed to go out, and be carried in full liberty to the places mentioned in the commissions, which the captains of said vessels shall be obliged to show.

ARTICLE XXII. In case that any vessel belonging to one of the two States or their subjects, shall run aground, be shipwrecked, or suffer any other damage on the coasts or dominions of the other State, every assistance shall be given to the shipwrecked persons, or to those who are in danger, and passports shall be granted to them to secure their return to their own country, the ships and shipwrecked merchandizes, or their proceeds, if they shall have been sold, being claimed by their owners or their agents within a year and a day, shall be restored on paying the expenses of salvage, conformably to the laws and customs of the two nations.

ARTICLE XXIII. When the subjects and inhabitants of one of the contracting parties, with their vessels, public or private, armed or merchantmen, shall be compelled by storm, by the pursuit of pirates, or enemy's vessels or by any other urgent necessity, to take refuge and enter into any river, bay, road or port of the other party, they shall be received with humanity and kindness, and shall meet

with every friendship, protection and assistance. They shall be allowed to provide themselves with refreshments, provisions, and every necessary for the subsistence, the reparation of their vessels, and the continuation of their voyage at a reasonable price, and they shall not be in any wise detained or prevented from going out of said ports, or roads, but may withdraw how and when they please, without any let or molestation.

ARTICLE XXIV. The vessels of subjects or inhabitants of one of the two contracting powers, approaching the coast belonging to the other party, but not intending to enter into port, or entering therein, not desiring to discharge their cargoes or break bulk, shall not be obliged to do it, but on the contrary shall enjoy all the franchises and exemptions allowed by the regulations which subsist on this head.

ARTICLE XXV. When a vessel belonging to the subjects and inhabitants of one of the contracting parties sailing on the high seas, shall be met by a ship of war belonging to the other party, to prevent disorder, the said ship of war shall not approach within cannon shot, but shall send if she pleases her boat aboard the merchantman, and enter her with two or three men, the master or commander of said ship on shewing his passport, which proves the property of the ship, to said persons, after said vessel shall have exhibited this passport, she shall have liberty to continue her voyage, and it shall not be lawful to molest her, nor to seek in any manner to chase her, or to oblige her to quit her intended course.

ARTICLE XXVI. The two contracting parties mutually grant each other the liberty of having, in their respective ports, Consuls, Vice Consuls, Agents and Commissaries,

who shall exercise their consular functions upon the same footing as the Consuls of the other friendly nations exercise them in such places as they reside ; but if they shall exercise commerce, they must do it in subjection to the received laws and usages of the place of their residence.

ARTICLE XXVII. The present treaty shall be ratified on both sides, the ratifications shall be exchanged in the space of eight months or sooner, if possible, reckoning from the day of its signature.

In testimony whereof, the respective Plenipotentiaries have signed the foregoing articles, and have thereunto affixed their seals.

Done at

SEPARATE ARTICLE.

The King of Prussia and the United States of North America, agree that the present treaty shall be in full force during the term of fifteen successive years, counting from the day of its ratification, and the two powers reserve to themselves the power of renewing it at the expiration of that time.

Done at

Copied and examined by the original.

J. Q. ADAMS.

At the Hague, April 13, 1784.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, April 22, 1784.

Sir,

I received some time since a letter from an American gentleman, now in London, a candidate for orders, de-

siring to know if American candidates might have orders from Protestant bishops on the continent, and complaining that he had been refused by the bishop of London, and the Archbishop of Canterbury, unless he would take the oaths of allegiance, &c.

Meeting soon afterwards, the Danish Minister, I had the curiosity to inquire of him, whether ordination might be had in Denmark, he answered me that he knew not, but would soon inform himself, I heard no more of it till to-day, when the Secretary of his embassy, Mr. de Rosenkrantz, made me a visit and delivered me the papers, copies of which are enclosed,

Thus it seems, that what I meant as current conversation, only, has been made the subject of deliberation of the government of Denmark, and their faculty of theology, which makes it necessary for me to transmit to Congress, I am happy to find the decision so liberal.

I have the honor to be, &c.

JOHN ADAMS.

FROM M. DE ST. SAPHORIN TO JOHN ADAMS.

The Hague, April 21, 1784.

M. de St. Saphorin has the honor to communicate to Mr. Adams, the answer he has received from his Excellency the Count de Rosenkrone, Privy Counsellor and Secretary of State for Foreign Affairs of his Danish Majesty, relative to what Mr. Adams desired to know, he shall be happy if this answer be agreeable to him, as well as to his superiors, and useful to his fellow citizens. He has the honor to assure him of his respect.

DE ST. SAPHORIN.

Extract of a letter from his Excellency the Count De Rosenkrone, Privy Counsellor of His Majesty the King of Denmark, to M. De St. Saphorin, Envoy Extraordinary from his Majesty to the States General.

Sir,

“The opinion of the Theological Faculty having been taken on the question made to your Excellency by Mr. Adams; if the American Ministers of the church of England can be consecrated here by a Bishop of the Danish Church? I am ordered by the King to authorize you to answer, that such an act can take place according to the Danish rites; but, for the convenience of the Americans, who are supposed not to know the Danish Language, the Latin language will be made use of on the occasion. For the rest, nothing will be exacted from the candidates, but a profession conformable to the articles of the English Church; omitting the oath called *Test*, which prevents their being ordained by the English Bishops.”

Extract from the Secret Journal of Foreign Affairs, March 21, 1785.

“On the report of a committee, consisting of Mr. Holton, Mr. W. C. Houston, Mr. Read, Mr. Bedford, and Mr. Hardy, to whom were referred sundry letters from the Ministers of the United States at Foreign Courts,

Resolved, That the Minister Plenipotentiary from the

United States to the States General of the United Netherlands, be instructed to communicate to Monsieur De St. Saphorin, Envoy Extraordinary from his Danish Majesty to the States General, the high sense the United States in Congress assembled, entertain of the liberal decision made by his Majesty, on the question proposed to his Majesty's Minister at the Hague, by Mr. Adams, Minister from the United States, respecting the ordination of American candidates for holy orders in the Episcopal Church, commonly called the Church of England.

Ordered, That the Secretary for foreign affairs transmit to the Executives of the several States, copies of Mr. Adams's letter of the 22nd day of April, 1784, as well as of the papers therein enclosed relative to Episcopal ordination."



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 13, 1784.

Sir,

Since my last arrival in Holland, I have not transmitted to Congress the details of the politics of this Court and nation, nor of those neighboring Courts, which are exciting disputes with it. Mr. Dumas has been in the habit and train of that history, and I have not thought fit to interrupt him. But if I should reside here regularly, the whole business of the mission will of course go through my hands; I therefore wish to know in what light I am to consider this gentleman, and what relation he is to stand in to me. I wish it for the government of

my own conduct, and still more from regard to him, whom I esteem as a very worthy man, and one who has, for a course of years, been indefatigable in the service of the United States, and who is not adequately rewarded or supported, by the pittance which is allowed him. But what is more disagreeable, he has never had any character or commission from Congress, and one knows not what to call him, whether Secretary or Agent. I cannot ask him to act as my private secretary, which is really much beneath him. Although he is ever ready to assist me in all things, I should be happy to know the pleasure of Congress in this respect, and to receive their instructions from time to time in all things which relate to the United Netherlands, which I shall endeavor to execute to the best of my power.

Enclosed is another copy of the project of a treaty with Prussia, which I transmitted to Paris to Messrs. Franklin and Jay, and have received back again from them with their approbation, excepting the few corrections and inquiries marked upon it by those Ministers. The King will send a full power probably to M. de Thulemeier, and I should be happy to know the pleasure of Congress.

With great respect, &c.

JOHN ADAMS.

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 13, 1784.

Sir,

The measures taken by the neighboring powers are likely to produce an intimate friendship and connexion

between this Republic and France. England has mistaken her policy so much, as to delay the signature of the definitive treaty, and to keep up a coldness and distance, which instead of exciting the populace in favor of England as she expected, has only accelerated the union with France, which if she had not been blind, she might have foreseen. The Emperor too, who certainly does not wish a close connexion between this country and France, has revived so many ancient pretensions as have alarmed this nation, and produced an application to Versailles for her mediation. The King of Prussia perhaps would not be sorry to see the Republic allied to France; but whether he had it in view or not, his letters have contributed somewhat to that end.

Hitherto there are only two or three provinces which have declared for a treaty with France; but probably the whole number will soon embrace the same policy. The first step will be a treaty of commerce, this will be a bar to the renovation of the ancient alliance with England; but if a war should break out, it will occasion an alliance with France. War may happen, for there are manifest symptoms of a fermentation in the several courts of Europe, and of a jealousy between the two Imperial courts and the House of Bourbon; but still I hope the public tranquillity will not be interrupted. The difficulty of commanding money will be its best security. England would not be sorry to see a war, if she could be neutral, but she is not in a condition to foment it, by furnishing subsidies.

The Emperor has large views, as it is supposed both for his people and his family; he is suspected of vast projects of ambition, some of which have Silesia for their

object. But hitherto his ambition has not been unjust in general, but has appeared in beneficent designs for his subjects and mankind, and it is much to be wished it may never overleap those bounds. If his life and that of the Empress of Russia, should be prolonged for some years, and England should recover the command of money, she may probably furnish that instrument of mischief, and blow up a general war. It is good to look forward as far as we can, that we may be prepared for our own part.

With great regard, &c.

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, May 14, 1784.

Sir,

As I had the honor to observe in a former letter, there is a fermentation in the Courts of the two Empires, and those of Bourbon, which appears in several particulars, which may be explained hereafter.

A question of etiquette, which amounts to no more, than which of two persons shall enter or leave a room the first, may set all Europe in a flame. The Prince De Gallitzin, the Russian Ambassador, at Vienna, has informed the Court that he could not, any longer, give place to the Ambassadors of the Courts of Bourbon. The Chancellor, De Kaunitz, communicated this information to the Ambassadors of France and Spain, who answered, that they would not appear at Court until they should receive the instructions of their masters. So necessary it is for governments to fix the eyes of their

own subjects upon some objects which will keep up in their own minds a sense of their importance; the step of an Ambassador, or the hoisting of a flag, is enough to raise or sink the pride and spirit of a mighty nation. This affair, however, may be accommodated.

The death of the Bishop of Liege, will occasion another contest, the Emperor will endeavor that his brother Maximilian should be chosen, France will oppose this and set up others, this will try their talents at electioneering, and occasion a heat, but not probably a war.

With great respect, &c.

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, June 7, 1784.

Sir,

Some weeks ago the Baron de Thulemeier called upon me and delivered me the paper, a copy of which is enclosed marked 1. It is a letter written by the Envoy to the King.

Last evening the Baron called upon me again and delivered me the answer of the King contained in the paper a copy of which is enclosed, marked 2.

I have heretofore transmitted to Congress, by different opportunities, copies of the project of a treaty, and the papers herein transmitted complete the negotiation, and the treaty is ready for signature, unless Congress have other alterations to propose.

As his Majesty seems to choose that this business should

be conducted by his Envoy here, who is also desirous of finishing it, perhaps Congress may not judge it too much complaisance, in framing their commission, to give authority to any one to conclude this treaty, in case they should name more than one, as it would be impossible for Mr. Thulemeier to go to Paris. It is not every Ambassador, however high his rank, or numerous his titles, or magnificent his appointments, who arrives at the honor of concluding any treaty. It is a distinction which is made an object of ambition, and is much desired, so that the Baron's inclinations, I suppose, will not be thought inexcusable.

I should hope that Congress might despatch their instructions and authority to some one, or more, to conclude this affair, with as little delay as possible.

With great respect, &c.

JOHN ADAMS.



Observations made by Mr. Adams, on the project of a Treaty of amity and commerce, to be concluded between his Majesty the King of Prussia and the United States of America, with the alterations which this Minister desired might be adopted by his Prussian Majesty, after a previous agreement on those points, between him and his colleagues, Messrs. Franklin and Jay.

1st. Instead of expressing through the course of the treaty, the denomination of the United States of North America, simply the *United States of America*.

2nd. Instead of *respective subjects*, with respect to the United States of America, the word *citizens*.

3rd. ARTICLE III. In like manner, to the *merchandizes* of America, add *productions, manufactures* and *merchandizes*.

4th. ARTICLE VII. *And no one shall be molested on account of his religion, provided he submits to such public demonstrations as are enjoined by the laws of the country.* On this head a more explicit article is desired, such as the fourth of the treaty concluded between the United States of America and the Republic of the United Provinces. "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party, and their families, and no one shall be molested on account of his religion, provided he submits, in the public demonstrations thereof, to the laws of the country. Liberty shall, moreover, be granted, on the death of the subjects or inhabitants of either party, in the territory of the other, to inter them in the usual burial grounds, or in decent or suitable places appointed for the purpose; and the bodies of the interred shall in no wise be molested, and the two contracting powers shall provide, each within its respective jurisdiction, that the respective subjects and inhabitants may hereafter obtain the requisite certificates in case of death, when they may be interested therein."

5th. ARTICLE XV. Until the cargo has been landed in the presence of officers appointed for the purpose, and that the *opening* has been made.

N. B. Instead of opening, *inventory*.

6th. The twenty-first article may require some explanation, since it is found to be contradictory to the seventeenth article of the treaty of amity and commerce between his most Christian Majesty and the United

States of America, which contains the following expressions: And, on the contrary, no shelter or refuge shall be given in their ports or harbors to such as shall have made prizes of the subjects of his Majesty or said United States, and if they are forced to enter by distress of weather or the danger of the sea, they shall be obliged to leave it again as soon as possible. After the declaration of this article, it appears that in case of a war between Prussia and France, it would not be admissible for the United States of America to derogate from antecedent treaties concluded with the most Christian King, in favor of a more recent obligation contracted with his Prussian Majesty.



Observations made by Mr. Adams on the project of a treaty of amity and commerce to be concluded between his Majesty the King of Prussia and the United States of America, with the alterations which this Minister desired might be adopted by his Prussian Majesty, after a previous agreement on these points between him and his colleagues, Messrs. Franklin and Jay.

ARTICLE III.

The principal end of this treaty being to open a reciprocal commerce between the subjects of the two States, and by that means to procure for them a sure and easy vent for their national productions, the two contracting parties agree that the merchandizes of Prussian manufacture, particularly

1st. Instead of expressing through the course of the treaty, the denomination of the United States of North America, simply the *United States of America*.

2d. Instead of respective subjects, with respect to the United States of America, the word *citizens*.

Answer to the preceding observations.

Maybe changed without any difficulty.

The same.

lines of Silesia and other provinces belonging to the King, cloths and woollen stuffs, &c. shall not pay other or heavier duties in the United States of North America than what similar merchandizes of the most favored nations, pay in the said States, on importation and exportation. In like manner, the merchandizes of America, such as Virginia tobacco, rice, indigo, furs, &c. shall only be subject, on their importation and exportation in the maritime places belonging to the King of Prussia, to the same imposts as are paid by the most favored nation.

ARTICLE VII.

Perfect liberty of conscience shall be granted to the inhabitants and subjects of either of the contracting parties within the jurisdiction of the other, and no one shall be molested on account of his mode of worship, provided he submits to such public demonstrations as are enjoined by the laws of the country. Moreover, the respective inhabitants and subjects shall be permitted to be buried in suitable and decent places which shall be appointed for this purpose, and the two contracting parties shall each of them provide, within their jurisdiction, that the respective subjects and inhabitants may be able to obtain certificates of the

Add the *productions, manufactures* and merchandizes.

Granted, the rather, as the general term of merchandizes comprehends alike productions that grow and manufactures.

On this head a more explicit article is required, such as the 4th article of the treaty concluded between the United States of America and the Republic of the United Provinces: "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party and their families, and no one shall be molested on account of his religion, provided he submit, in the public demonstration thereof, to the laws of the country. Liberty shall moreover, be granted, on the death of the subjects or inhabitants of either party, in the territory of the other, to inter them in the usual burial

This article can be minuted as is desired in the observations.

death of a person, in case they should be requested to grant them.

grounds, or in decent and suitable places appointed for the purpose, and the bodies of the interred shall in nowise be molested. And the two contracting powers shall provide, each within its respective jurisdiction, that the respective subjects and inhabitants may hereafter obtain requisite certificates in case of death, when they may be interested therein.

ARTICLE XV.

If on producing said certificates, it shall be discovered that the vessel has on board any of the articles which are declared prohibited or contraband, and which are consigned to an enemy's port, it shall not, however, be permitted to break open the hatches of said vessel, nor to open any case, box, bale or cask, or to displace them, or to overturn the least part of the merchandize, until the cargo has been landed in the presence of officers appointed for this purpose, and that the *opening* has been made, &c.

Instead of the opening, the *inventory*.

Granted.

ARTICLE XXI.

The armed vessels may conduct, with full liberty, the prizes they shall have taken from their enemies, into the ports open in time of war, to other friendly nations, and these prizes, so entering into said port, shall not be subject to be stopped

This article may require some change, since it is found to be contradictory to the 17th article of the treaty of amity and commerce between his most Christian Majesty and the United States of America, which contains the following expressions: "And on the contrary,

This article may be minuted in the following manner: "The armed vessels of one of the contracting parties, shall not conduct the prizes they shall have taken from their enemies, into the

nor seized, nor shall the officers of the place have any right to take cognizance of the validity of said prizes, which shall be allowed to go out, and be carried in full liberty to the places mentioned by the commissions, which the captains of said vessels shall be obliged to show.

no shelter nor refuge shall be given in their ports or harbors, to such as shall have made prizes of the subjects of his Majesty, or of the said United States; and if they are forced to enter by distress of weather or the danger of the sea, they shall be obliged to leave it again as soon as possible."

After the declaration of this article, it appears that in case of a war between Prussia and France, it would not be admissible for the United States of America to derogate from antecedent treaties concluded with the most Christian King, in favor of a more recent obligation contracted with his Prussian Majesty.

ports of the other, unless they are forced to enter therein by stress of weather or danger of the sea. In this last case, they shall not be stopped nor seized, but shall be obliged to go away as soon as possible."

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

The Hague, June 22, 1784.

Sir,

If my memory does not deceive me, I have heretofore transmitted to Congress, the advice of some of the Foreign Ministers here, that the United States in Congress assembled, should write a letter to each of the Sovereigns of Europe, informing them of the complete establishment of their independence.

Lately, in separate conversations with the Ministers of the two empires, and the King of Sardinia, they all repeated this advice. They say that this is the rule, the

practice, and that the precedents are uniform. The Empress of Russia did it lately, when she ascended the throne. They add, that this is the precise point of time, now that the ratifications of the definitive treaty of peace are exchanged, which is most proper to make the communication, and that their courts expect it from Congress.

Congress no doubt, will write an elegant letter upon the occasion, but it would in substance, be sufficient to say, that on the 4th of July, 1776, they found it necessary to declare themselves a sovereign State; that they have since entered into treaties with several powers of Europe, particularly a treaty of peace with the King of Great Britain, wherein that crown has acknowledged formally and solemnly, their sovereignty, and that it is their desire to live in good intelligence and correspondence with the sovereigns of Europe, and of all other parts of the world, and with the one in particular, and that there may be friendship and harmony between their respective citizens and subjects. These letters may be transmitted to all, or any of your Ministers in Europe, to be by them communicated through the foreign Ministers at the court where they reside, or they may be transmitted directly. If Congress are at a loss for the titles of any Sovereign, they may leave a blank, to be filled by the Minister to whom the letter is sent for communication.

The answers which will be respectively given to these letters, will prevent many questions, discussions and chicaneries, because that orders will then be given to all Ambassadors, Governors, Generals, Admirals, &c. to treat all American citizens of the United States, according to their characters. With great respect, &c.

• JOHN ADAMS.

*Report of Secretary Jay, on the letter of John Adams,
Esq. dated 22nd June, 1784.*

Office for Foreign Affairs, }
March 4, 1785. }

The Secretary of the United States of America for the Department of Foreign Affairs, to whom was referred a letter of the 22nd June, 1784, from the honorable John Adams, Esq. Reports, as his opinion,

That Congress, by their declaration of the 4th July, 1776, announced the *independence* of the United States to all the nations of the world, and that it was then as perfect and complete as it now is or ever can be.

That it would be most prudent, in the opinion of your Secretary, for Congress, in speaking of the treaty of peace, to avoid as much as possible connecting their independence with it, lest such connexion, unless exceedingly guarded, might afford matter to argue an admission that their independence was indebted for legal validity to the acknowledgment of it by Great Britain.

That as a state of war between any two nations calls upon the others to observe and fulfil those duties, which either the laws of neutrality, of particular treaties and compacts may prescribe, it is important to all to be properly informed of the time, when such war commences, and when it ceases.

Your Secretary therefore thinks it would be right for Congress, by letter to announce to the sovereigns of Europe, that the war which lately subsisted between his Britannic Majesty and the United States was terminated, by the treaty of peace made between them at Paris on the 3rd day of September, 1783, and that to avoid the

necessity of saying any thing on the subject of it, a copy of the treaty should be enclosed in the letter.

Your Secretary submits the following draft of such a letter to the consideration of Congress.

“ To _____

It gives us pleasure to inform your Majesty that the war, which for many years had subsisted between his Britannic Majesty and the United States of America, was happily terminated on the 3rd day of September, 1783, by a treaty of peace, which has since been formally ratified by both parties.

The respect we entertain for your Majesty induces us to inform you of this important event, and for your further satisfaction, to enclose a copy of the treaty.

Permit us to assure your Majesty of our sincere desire to cultivate harmony and a friendly intercourse between your Majesty's subjects and our citizens; and that we wish to see the commerce of these States with other nations, so regulated as to become reciprocally beneficial to them and to us.

When it is considered that monopoly and restraint on one side, always produce monopoly and restraint on the other; and that attempts to obtain partial advantages; usually occasion equivalent embarrassments, we flatter ourselves that in this enlightened age, a policy more consonant to the honor and happiness of mankind will by degrees prevail.

We, for our parts, shall be happy to enter into a treaty of amity and commerce with your Majesty on the most liberal principles; and we have reason to hope that the various productions, and rapid population of our thirteen

countries, will give them some weight in the commercial state.

We pray God to keep your Majesty under his holy protection.

Done by the United States of America in Congress assembled, at their chamber in the city of New York on the —— day of —— one thousand seven hundred and eighty five.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

Anteuil, near Paris, }
October 20, 1784. }

Sir,

The enclosed letters from Mr. Dumas, will communicate to Congress, the present state of Affairs between their High Mightinesses and the Government General of the Austrian low countries. Those who have negotiated for the Emperor appear to have presumed too much upon the fears and divisions of the Dutch, and to have compromised too hastily his authority and dignity. The Dutch, neither terrified nor dejected, are arming for the defence of their country with unanimity, and are laboring to accomplish a coalition of parties among themselves; which, if it can be effected, will be much for the honor, happiness and prosperity of the nation.

If the words of the Count de Belgioso were to be taken literally, the war is already commenced, as guns have been fired, and Austrian vessels stopped; but win-

ter approaches too fast, for forces to take the field, and before the season for opening a campaign will arrive, there will be much room for negotiation. France will endeavor to reconcile, but if she cannot succeed in this, she must take the part of Holland ; besides her general interest in the independence of that republic, and her particular interest in their friendship, which she lately found useful, both to her finances, and her possessions in the two Indies, she is not less interested than Holland itself, in preventing Brabant and Flanders, from becoming rich commercial countries in the hands of the house of Austria, in preventing their trade to the East and West Indies.

How the English will act, is a problem. But if they can find an interest in opening the commerce of that country, they have more sagacity than their ancestors, or than any but themselves now living.

Upon the whole, there is still room to hope that the peace will be preserved ; if it is not, there is great reason to fear that the war will be very general. The object the Emperor has in view, would be useful to America, as it would open to us some good ports and noble markets, and thereby compel France, England and Holland to be more complaisant. But we need not wish such an advantage to ourselves at the expense of so general a calamity to mankind, as we have already commercial advantages enough to satisfy a reasonable people. France and Holland are sensible of the advantages we should have, whether England is, I know not. A youth of five and twenty, although very promising and very virtuous, appears to have an object in his hands too great for his forces. He does not appear to enter into the

3rd. ARTICLE III. In like manner, to the *merchandizes* of America, add *productions, manufactures* and *merchandizes*.

4th. ARTICLE VII. *And no one shall be molested on account of his religion, provided he submits to such public demonstrations as are enjoined by the laws of the country.* On this head a more explicit article is desired, such as the fourth of the treaty concluded between the United States of America and the Republic of the United Provinces. "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party, and their families, and no one shall be molested on account of his religion, provided he submits, in the public demonstrations thereof, to the laws of the country. Liberty shall, moreover, be granted, on the death of the subjects or inhabitants of either party, in the territory of the other, to inter them in the usual burial grounds, or in decent or suitable places appointed for the purpose; and the bodies of the interred shall in no wise be molested, and the two contracting powers shall provide, each within its respective jurisdiction, that the respective subjects and inhabitants may hereafter obtain the requisite certificates in case of death, when they may be interested therein."

5th. ARTICLE XV. Until the cargo has been landed in the presence of officers appointed for the purpose, and that the *opening* has been made.

N. B. Instead of opening, *inventory*.

6th. The twenty-first article may require some explanation, since it is found to be contradictory to the seventeenth article of the treaty of amity and commerce between his most Christian Majesty and the United

States of America, which contains the following expressions: And, on the contrary, no shelter or refuge shall be given in their ports or harbors to such as shall have made prizes of the subjects of his Majesty or said United States, and if they are forced to enter by distress of weather or the danger of the sea, they shall be obliged to leave it again as soon as possible. After the declaration of this article, it appears that in case of a war between Prussia and France, it would not be admissible for the United States of America to derogate from antecedent treaties concluded with the most Christian King, in favor of a more recent obligation contracted with his Prussian Majesty.



Observations made by Mr. Adams on the project of a treaty of amity and commerce to be concluded between his Majesty the King of Prussia and the United States of America, with the alterations which this Minister desired might be adopted by his Prussian Majesty, after a previous agreement on these points between him and his colleagues, Messrs. Franklin and Jay.

ARTICLE III.
The principal end of this treaty being to open a reciprocal commerce between the subjects of the two States, and by that means to procure for them a sure and easy vent for their national productions, the two contracting parties agree that the merchandizes of Prussian manufacture, particularly

1st. Instead of expressing through the course of the treaty, the denomination of the United States of North America, simply the *United States of America*.

2d. Instead of respective subjects, with respect to the United States of America, the word *citizens*.

Answer to the preceding observations.

May be changed without any difficulty.

The same.

Lenses of Silesia and other provinces belonging to the King, cloths and woolen stuffs, &c. shall not pay other or heavier duties in the United States of North America than what similar merchandizes of the most favored nations, pay in the said States, on importation and exportation. In like manner, the merchandizes of America, such as Virginia tobacco, rice, indigo, furs, &c. shall only be subject, on their importation and exportation in the maritime places belonging to the King of Prussia, to the same imposts as are paid by the most favored nation.

ARTICLE VII.

Perfect liberty of conscience shall be granted to the inhabitants and subjects of either of the contracting parties within the jurisdiction of the other, and no one shall be molested on account of his mode of worship, provided he submits to such public demonstrations as are enjoined by the laws of the country. Moreover, the respective inhabitants and subjects shall be permitted to be buried in suitable and decent places which shall be appointed for this purpose, and the two contracting parties shall each of them provide, within their jurisdiction, that the respective subjects and inhabitants may be able to obtain certificates of the

Add the *productions, manufactures* and merchandizes.

Granted, the rather, as the general term of merchandizes comprehends a-like productions that grow and manufactures.

On this head a more explicit article is required, such as the 4th article of the treaty concluded between the United States of America and the Republic of the United Provinces: "Entire and perfect liberty of conscience shall be granted to the subjects and inhabitants of each party and their families, and no one shall be molested on account of his religion, provided he submit, in the public demonstration thereof, to the laws of the country. Liberty shall moreover, be granted, on the death of the subjects or inhabitants of either party, in the territory of the other, to inter them in the usual burial

This article can be minuted as is desired in the observations.

The following questions submitted by their High Mightinesses to M. Dumas, were by him transmitted to Mr. Adams—whose answers are appended :

QUESTIONS.

1st. On proof of a transfer in good and due form, the property of a vessel to be American, can the necessary sea-letters be obtained at the Hague?

2d. Is it necessary that the purchaser should be a citizen of some town belonging to one of the thirteen States, or will it suffice that he is settled there, though only since the acknowledgment of the independence of America? Has a citizen greater claims to the protection of Congress than an inhabitant?

3d. The property of a vessel being proved American, (agreeably to the first question) is it indifferent in what port she is, and to what port she is destined, or is this confined to a certain port in Europe and to a certain port in America, and vice versa?

4th. Is it necessary that the captain of such vessel should be an American citizen, or will it answer if he has been born in a city, town or village, actually dependent on Congress?

5th. In case of purchasing a vessel on account of an American, for which there is an immediate employment, may she not be commanded by a captain of another nation, supposing that at the time no American Captain could be found who might be entrusted with the command?

6th. Should a vessel, sold and transferred to a citizen or inhabitant of the continent, be taken by the enemy, sailing under foreign colors, could a reclaim by Congress be expected?

ANSWERS.

1st. There is no man at present in Holland, legally authorized by the United States in Congress assembled, to issue sea-letters.

2d. Both citizens and inhabitants have a right to protection. But every stranger who has been in the United States, or who may be there at present, is not an inhabitant. Different States have different definitions of this word. The domicile, and the "*animus habitandi*," is necessary in all.

3d. All vessels bona fide the property of American citizens or inhabitants, have a right to protection.

4th. American citizens and inhabitants have a right to navigate their vessels by captains and seamen of any nation.

5th. Undoubtedly. But let the parties look to themselves, that the translation be bona fide and clearly proved.

6th. The evidence of this must be very clear. The United States will scarcely interfere in such a case, if there is a doubt of the fact or a suspicion of collusion.

7th. In case such vessel should be bound from a port in Europe or America, for a Mediterranean port, or should actually be at some port in the Mediterranean, and elsewhere destined, what means are to be taken, and what papers are to be shown, to obtain the necessary Turkish passports to navigate that sea?

7th. The United States have not yet a treaty with the Turks or Barbary Powers, and therefore no such papers are to be had.

Anteuil, November 3, 1784.

Mr. Dumas,

I have given to the several preceding questions, the only answers in my power, and hope they will be satisfactory. It is in the power of Congress alone, to authorize any other answers. To that august assembly, therefore, you will do well to write a full account of all these things, and if it is consistent with their wisdom, it will be very pleasing to me if they should send you a commission as Charge d'Affaires, for such an officer, or another Minister, seems now to be necessary, on account of the danger of a war.

JOHN ADAMS.

*Extract from the Secret Journal of Foreign Affairs,
January 20, 1785.*

“On the report of a committee, consisting of Mr. Monroe, Mr. Platt, Mr. Read, Mr. Hardy and Mr. Speight, to whom was referred a letter of the 3rd November, 1784, from the honorable John Adams, and a letter of the 11th of the same month, from the honorable John Adams, Benjamin Franklin and Thomas Jefferson.

Resolved, That the paragraph in the joint letter respecting the communications they have received from the Count de Vergennes, upon the subject of the Dutch loans

guarantied by France, and the particular loans of France, as also the paragraph respecting the letter of Monsieur Le Grand to Mr. Franklin, and the letter of Mr. Adams, be transmitted to the several Executives, and that they be requested to lay them before their respective legislatures, for their information upon the subjects which they treat, under injunctions of secrecy. ”



FROM JOHN ADAMS TO JOHN JAY.

Anteuil near Paris, December 15, 1784.

Sir,

I venture to address myself to you as Minister of Foreign Affairs, because I sincerely hope that you have accepted that important office.

The Emperor of Morocco sent an ambassador last winter to Holland to demand materials for some frigates, and as none of the great maritime powers have the courage or the will to refuse such requisitions, obtained them. It now appears probable that they have been employed in corsairs against American trade, and one Virginia vessel appears to have been taken and carried to Tangier. This has spread an alarm, and raised the insurance on American vessels, and rendered it necessary that something should be soon done.

There is danger of our making mistakes upon this occasion. Some are of opinion that our trade in the Mediterranean is not worth the expense of the presents we must make the piratical states, to obtain treaties with them. Others think it humiliating to treat with such enemies of the human race, and that it would be more

manly to fight them. The first, I think, have not calculated the value of our Mediterranean trade, in which every one of our States is deeply interested; but this is not all, the piratical corsairs will go all over the ocean, and will even raise the insurance upon all our commerce so high, as to cost us more in this single article, than all the presents exacted would amount to. The last have more spirit than prudence, as long as France, England, Holland, the Emperor, &c. will submit to be tributary to these robbers and even encourage them, to what purpose should we make war upon them; the resolution might be heroic, but would not be wise. The contest would be unequal. They can injure us very sensibly, but we cannot hurt them in the smallest degree. We have or shall have a rich trade at sea exposed to their depredations, they have none at all, upon which we can make reprisals. If we take a vessel of theirs, we get nothing but a bad vessel fit only to burn, a few guns and a few barbarians, whom we may hang or enslave if we will, and the unfeeling tyrants, whose subjects they are, will think no more of it, than if we had killed so many caterpillars upon an apple tree. When they take a vessel of ours, they not only get a rich prize, but they enslave the men, and if there are among them men of any rank or note, they demand most exorbitant ransoms for them. If we could even send a force sufficient to burn a town, their unfeeling governors would only insult and deride. Unless it were possible then to persuade the great maritime powers of Europe to unite in the suppression of these piracies, it would be very imprudent for us to entertain any thoughts of contending with them, and will only lay a foundation, (by irritating their passions and

increasing their insolence and their demands) for long and severe repentance. I hope, therefore, we shall think of nothing but treating with them.

But how! where is the money? France calls upon us to fulfil our engagements with her, both for interest and principal, and our creditors in Holland, who are very numerous will soon be uneasy, unless something is done for their security. Holland is the only place where we can borrow money, and there it will be impracticable, unless our European debt at least be consolidated.

If Congress, therefore, think of borrowing in Holland, they must begin by laying duties at home to pay the interest.

I have not time to enlarge at present on any subject. This is the most pressing and deserves the immediate attention of Congress and their Ministers, of whom I hope you are one, as I am very sure no man is better qualified or better disposed, but if unfortunately you should not be in office, let me pray you to transmit the substance of this letter to Congress.

With great and sincere respect, &c.

JOHN ADAMS.

—•••••

FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

Anteuil, near Paris, }
January 10, 1785. }

Sir,

I have the satisfaction to inform Congress, that by a letter from our bankers in Amsterdam, I am informed they have in hand near a million of guilders, and con-

sequently that the two loans I have opened, amounting in the whole to seven millions of guilders, are almost full; this is a full proof of an amelioration of our credit, since January 1784, when I was obliged, in a very tender state of convalescence, and an uncommonly rigorous season, to undergo the hardships and dangers of a voyage and journey in packet boats, ice boats, and boors' waggons, to obtain money to save Mr. Morris's bills from being protested.

This is a very fortunate circumstance for us at this time, both as it furnishes us the means of treating with the Barbary powers, if Congress should authorize us to make the necessary presents, upon which points we wait their instructions, and as it will enable Congress to pay the interest of their debt to France.

Four letters upon the subject of this interest, have been communicated to his colleagues, by Doctor Franklin, one from the Count De Vergennes, and three from M. Grand, and no doubt transmitted to Congress.

Doctor Franklin has sounded me several times, to know if I was willing to pay the salaries of Ministers, and Mr. Carmichael's salary, Mr. Dumas' salary, and Colonel Humphreys'; in short, there is no money in Europe at present, but what has been obtained in Holland by my signature, and is supposed to be under my inspection; I shall, therefore, be very soon embarrassed, as there will be many applications to me for money, and I shall not dare to advance it without orders; I therefore pray for the explicit instructions of Congress upon this subject. Your Ministers in Europe must not starve on the one hand, and I must not on the other presume to appropriate money unappropriated by Congress, without necessity.

If it should be the pleasure of Congress, that I should draw for necessary moneys upon the certificate of their Ministers here, or that they should draw upon my bankers in Amsterdam, this would relieve me from a great anxiety; at all events, it is absolutely necessary that Congress should communicate to me their commands.

I wish also to know, whether it is the expectation of Congress that I should open a new loan, as one of the old ones is full, and the other very near it.

I confess it grieves me to put my hand to an obligation, as it always brings home to my heart the reflection that I am burthening the industry and labor of my fellow citizens and countrymen with a heavy load, and when demands are laid before me for millions of livres, for interest already due, I cannot help wishing that I might never have occasion to sign another obligation. It will, nevertheless, be absolutely necessary, as I believe, to borrow somewhat more; but it behoves the people to consider the necessity they are under, of exerting themselves in season to provide for the payment of their foreign debt, and especially to avoid as much as possible the necessity of increasing it. They will find it very impoverishing to send annually out of their country, such large sums for the payment of interest, an enormous bulk of the produce of the country must go to make up these sums, and we shall find the drain very exhausting to our patience, if not to our strength.

With great respect, &c.

JOHN ADAMS.

*Report of Secretary Jay on Mr. Adams' letter of 10th
January last, (1785.)*

Office for Foreign Affairs, }
April 1, 1785. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from the Honorable John Adams to his Excellency the President of Congress, dated 10th January last, reports:

That the said letter contains nothing, but what comes directly within the Treasury Department; except the hint respecting treaties with the Barbary States; for negotiating which, Congress have already been pleased to provide.

Your Secretary takes the liberty of observing, that the state of our foreign affairs renders it highly necessary, that the Commissioners of the Treasury should be speedily convened, and proceed to business; for without a general knowledge of the affairs of a Department, it must be difficult to conduct, properly, any particular branch of them; especially in money matters, where the relations between debts, funds and expenditures, are so intimate and extensive, as to render order and system in a great degree indispensable.

For these reasons it appears expedient to refer Mr. Adams' letter to the Treasury, and, until their report can be obtained, to postpone deciding whether a new loan is necessary to be opened, and to what amount, as well as purposes, to which the remainder of the money in Holland ought to be appropriated.

But as the justice as well as the dignity of the United States, requires that their Ministers and servants should

be punctually supplied, without the intervention of personal credit and such like expedients, your Secretary is of opinion that Mr. Adams should be authorized, until the further order of Congress, to cause the salaries of your Ministers and Secretaries in Europe, to be regularly paid out of the moneys in Holland, and that by orders under his hand to the bankers, to be from time to time given, as the said salaries become due.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, March 9, 1785.

Sir,

Permit me to congratulate the United States, upon the acquisition of a Minister of Foreign Affairs whose long services have so justly acquired their confidence, and whose experience, as well as his talents, so fully qualify him for this important trust.

The joint despatches of their Ministers here, will inform Congress of the slow progress of the negotiations entrusted to their care. These delays are owing to the ordinary character of the deliberations of Courts, and are in no measure occasioned by any inattention or inactivity on our part, and, as they are irremediable, must be submitted to with patience.

I must beg leave to repeat a request mentioned in several of my late letters, that Congress would be pleased to transmit the ratification of my last loan, which I opened a year ago in Holland, and is long since full. The

delay of the ratification has an ill effect. Congress will be pleased to give orders, if it is not yet done, as I hope it has been, concerning near a million of guilders, which remain in the hands of their bankers at Amsterdam, as appears by some extracts of letters enclosed.

I have lately inquired of the Baron de Stael, the Swedish Ambassador, and of Mr. d'Asp, the Swedish Chargé d'Affaires, an old acquaintance at the Hague, who has been lately removed to this Court, concerning the presents given by their Court to the Barbary Powers. Both very obligingly promised to write to Stockholm for full information upon this subject. I have written to Mr. Dumas to apply to Mr. Bisdom and Mr. Vander Hope, to learn the sums given by the Republic. The answers of those gentlemen I have communicated to my colleagues, and copies of them will be transmitted to Congress by Mr. Humphreys, in the joint despatches. If we can avoid this humiliating tribute, I should wish it with all my heart, but am afraid we must sooner or later submit to it. I cannot find it in my heart to wish ill success to the two empires, if they really have, as they are suspected to have, the project of driving wholly out of Europe, the Turkish empire, because the Barbary powers and their hateful piracies, would probably come to an end at the same time. We wait for orders relative to those States, thinking it dangerous saying a word to Morocco, before we are ready to treat with all.

There is at this time so intimate a connexion between France, Sweden and Holland, that I fancy we shall scarcely persuade either of the latter to agree to any supplementary treaties, unless the former should set the example, which we cannot expect, considering the oppo-

sition the Ministry meets with from the merchants of the sea port towns, and even from some sovereign Courts. The ordinance of 30th August, 1784, which moderates the rigor of the letters patent of October 1727, and admits foreigners to the commerce of the colonies under certain restrictions, has excited remonstrances from the merchants of Marseilles, Bordeaux, Rochelle, Nantes, St. Maloes, and Havre de Grace, and the Parliament of Bordeaux, has remonstrated, and that of Bretagne, was very near it. The Marshal de Castries is yet unmoved, but this opposition will, I fear, discourage him from going further.

These remonstrances attack every part of the first article, they oppose the free ports, or entrepôts, they oppose the liberty to strangers to import timber, coal, even live stock, but especially salt beef, salt fish, rice, Indian corn, vegetables, leather tanned or in the hair, pitch, tar, turpentine, they are eager for reviving the regulations of 1727, and totally excluding all foreigners from their islands. In short, I see that French merchants consider their colonies, and colonists, as English merchants considered us twenty years ago. It is true, that all have not been equally extravagant, some have gone in their remonstrances, no further than against salt beef and fish.

Merchants, whether French, English or Dutch, are very bad rulers of colonies at a distance, and their mistakes, if not firmly corrected by their governments, will make a serious common cause between Americans, northern, southern, and western.

The French fisheries, in consequence of the extension of their limits by the treaty of peace, upon the Island of Newfoundland, and the free communication between

the United States and St. Peters and Miquelon, have succeeded the last year in a remarkable manner. Marseilles, Bordeaux and Rochelle, and many other places, have engaged in the Newfoundland fishery, with a new ardor, and uncommon profit. This is one striking advantage, arising wholly from their alliance with us, and they ought to be too sensible of it, to wish so soon to exclude us wholly from their Islands. The government, and more enlightened part of the nation are so, and will not give way to the interested clamors of those, who see no further than their own private profit.

Nothing is more extravagant than the confident pretensions of French and English merchants, that they can supply their own Islands. It is whimsical, but it is true, that the mercantile spirit should be the most hostile to the freedom of commerce; governments the most disposed to favor it, are continually solicited by bodies of merchants, from partial views and private interests to restrain and shackle it.

England, it is plain, will never treat with us here, and it is for Congress to determine, whether they will accept the proposition of the Court of St. James, and send a Minister there, or renounce all thoughts of treating with it upon any thing. Spain seems equally averse to treating here, but if Mr. Gardoqui has arrived, who has full powers, Congress may treat with him at New York.

The general state of Europe is critical, but the claims of the Emperor are so directly against treaties, which interest so essentially all Europe, that I do not believe he will urge on a war, that must embroil all the world, and end not at all to his advantage or honor.

With very great esteem, &c.

JOHN ADAMS.

FROM MESSRS. WILLINK TO JOHN ADAMS.

Sir,

In conformity to our promise of last Thursday, we have now the honor to advise your Excellency, that the balance of the accounts of the United States, now in our hands, amounts to - - - *f.*1,301,760.4

From this must be deducted the following sums :

For payments which are at hand, interest of the last loan, due 1st. February,	<i>f.</i> 65,986.4	
Premiums of the same,	- 50,000	
Accepted draughts of Mr. Morris, - - - -	200,000	
Not appeared draughts of do.	12,150	328,136.4
	<hr/>	<hr/>
	Remains	<i>f.</i> 973,624
		<hr/> <hr/>

So it appears from this that there is still to the disposition of Congress a capital of 973,000 florins, current money. The sums that at present are in the hands of each house or their bankers amount to viz :

Wilhem and Jan Willink - - -	<i>f.</i> 575,000
Nic and Jacob Van Staphorst, - -	525,000
De la Lande and Fynje, - - -	200,000
	<hr/>
Together with the abovementioned balance of - - - - -	<i>f.</i> 1,300,000
	<hr/> <hr/>

The whole number of bonds, which are at present unsold in our hands is 252, of the 5 per cent. loan of 5 millions, viz :

Wilhem and Jan Willink have in their possession,	110
Nic and Jacob Van Staphorst, - - -	135
De la Lande and Fynje, - - - -	7

We hope, Sir, that this very particular account of the state of business of the United States trusted to our care, will give you satisfaction, and we now expect your orders whether you desire that we shall put the whole balance or part of it into the bank of Amsterdam or not. In the meantime we have the honor to subscribe ourselves with sincere esteem, sir, &c.

WILHEM & JAN WILLINK.

NIC & JACOB VAN STAPHORST.

DE LA LANDE AND FYNJE.



Extract of a letter from Messrs. Willink & Co.

Amsterdam, February 2, 1785.

“ Sir,

Last week we received your much esteemed favor of 10th January, and observed with much pleasure, your satisfaction on the flourishing state of the treasury of the United States, in our hands. Your Excellency desires our opinion, whether the prospect of making new loans for the Congress, would be favorable ; in answer to this, we heartily wish that we may not very soon be charged to try it, and that before it may become necessary, Congress may be put in the situation, by a unanimous consent of all the American States of the confede-

ration, to point out a sufficient fund for the punctual payment of the capital and interest, which, as you know, has not been the case with the two first loans, and which, at present, would absolutely be required, because the people in this country know, that the States have not agreed upon this capital point ; a circumstance that certainly occasions that the credit of the United States cannot be carried to the point, which we believe it deserves, in consequence of the inward solidity and promising prospect of the source of her welfare ; besides this, we are daily questioned about the ratification of the last loan, and we are at a loss what we shall answer, having received no letters from the office of finance since the time when Mr. Morris resigned. But, sir, whenever our wishes in these points shall be fulfilled, which certainly will strengthen greatly the American credit ; we should not advise to try another loan for some time, because we know that a great number of bonds of both of the former, remain still in the hands of the undertakers, which, as you know, is the second hand, and there is no great prospect, that they will sell their shares so soon, on occasion that we have every day new loans opened here, as for instance, one of seven millions in favor of the East India Company, one of twelve hundred thousand florins for the States of Zealand, one of two millions for Sweden, and we expect every day a loan for our province ; added to this, large sums are employed in the French loan, and you will easily conclude that money becomes very scarce, which we hope will not be the case next year, and if then Congress might wish to pay off their loans in France, and raise the money in this country, it

would give us much pleasure to give her again satisfaction with our endeavors, and at the same time to observe an unlimited confidence with our countrymen.”



FROM JOHN JAY TO JOHN ADAMS.

New York, February 11, 1785.

Sir,

I have now the honor of transmitting to you herewith enclosed, a ratification made the 1st inst. of the contract or engagement, which you entered into, as Minister Plenipotentiary of the United States of America to their High Mightinesses, the Lords the States General of the United Netherlands, in behalf of the said States, with Messrs. Wilhem and Jan Willink and others, for a loan of two millions of guilders, the 9th March, 1784.

As the letters received from you, between my predecessors resignation, and my acceptance of this office, are yet in the hands of a committee of Congress, I am not in capacity to say any thing of their dates or contents.

On the 14th ult. I wrote a short letter to you, Doctor Franklin and Mr. Jefferson.

Congress have resolved to send a Minister to the Court of London, and I flatter myself with being soon enabled to write to you particularly on this subject.

It would give me great pleasure to hear from you frequently, and to be favored not only with such information as you may think interesting; but also with such remarks and opinions on affairs in this department, as may the better enable me to discharge the duties of it.

M. de Marbois, in pursuance of the orders of his Court, has demanded that M. Longchamps be delivered up. I wish that matter had not been pressed. I have laid the requisition before Congress, and shall inform you of the result of their deliberations on the subject. It is in contemplation to appoint a Minister for Spain, and we are informed that an envoy from that Court may daily be expected here.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, April 13, 1785.

Sir,

I have written by the late packets, for the orders of Congress concerning near a million of guilders in the hands of Messrs. Willink & Co. in Amsterdam, and requesting the ratification of my last loan, and other subjects. By the February packet, hourly expected, I hope to have the honor of letters from you, with the pleasure of Congress relative to these matters.

Our joint despatches will show all the information we have yet obtained concerning the power of the Barbary States, and the costliness of their friendship. We must proceed slowly and cautiously. I often hear the trade of the Mediterranean, and of the Levant, slightly spoken of, and represented as of small value to the United States. I think very differently, with an absolute certainty that time will demonstrate me in the right. But the rise of insurance on all of our trade, is to be added to the full

value of the trade we may have in the Mediterranean and Levant; and what is worse, we have the cries of our countrymen in captivity, in chains, and exposed to many cruelties, to consider. It is not the loss of property which has induced any nation to become tributary to them, but this inhuman practice of enslaving captives. France, England and Holland, have avoided stipulating in treaties to pay a tribute; but Sweden and Denmark have not. I hope we shall not imitate the example of these last. If we are directed to negotiate, we shall probably negotiate through the French Consul, but it will be necessary, finally, for Congress to send Consuls to sign the treaties and to make the presents. We have collected some information which will be useful to our country, respecting these powers. I wish we were able to do as much, under our commission, to Spain; that Court will not treat here, and for us to go to Madrid is a dangerous measure; we know not how much time the negotiation there may require, and if we go and return without success, it will be industriously spread by all the diplomatic corps, and will hurt the reputation of our country in Europe, and elate the English beyond measure, inconveniences which may be avoided by your conducting the negotiation with Mr. Gardoqui, at New York, or by Congress sending a Minister to Madrid. This, I know, is much desired by the Spanish Court, and by this Court, as many symptoms have indicated, particularly a conversation between the Duke de la Vauguion and me, a few days before his departure for Madrid. A Minister at Madrid would be useful to us in conducting this business with the Barbary powers, and is in all respects, as far as I can see, a desirable measure. The expense of maintaining three

Ministers is the same, whether they reside at Anteuil, Passy and Paris, or at Madrid, Versailles and the Hague, and I am sure we could not do less, separately, than we are likely to do together.

You remember, sir, that one of the first things, Mr. Hartley said to us, was to propose in the name of the King, his master, and his Minister Mr. Fox, that Ministers should be exchanged immediately between Congress and St. James. You have received before now, the formal proposition from the Marquis of Carmarthen, transmitted to us, through the Duke of Dorset, to the same effect. The appointment of Mr. Temple, as Consul General, is a still stronger indication of a real wish in the Ministry, that this measure may be pursued, and of a secret consciousness that they shall be obliged to treat. In their refusal to treat here they would be justified, by all the courts and diplomatic bodies in the world. I make no scruple, no hesitation to advise that a Minister may be sent, nor will I be intimidated from giving this advice, by any apprehension that I shall be suspected of a design or desire of going to England myself. Whoever goes, will neither find it a lucrative nor a pleasant employment, nor will he be envied by me. I know that for years, if he does his duty, he will find no personal pleasure or advantage. But the measure of sending a Minister to England, appears to me, the corner stone of the true American system of politics in Europe, and if it is not done, we shall have cause to repent it for a long time, when it will be too late. Every thing is calculated as it appears to me, to involve us in a war with England. Cries and prejudices are fomented in England and America, which have no other tendency, but to involve us in

a war, long before we shall be ready. Ten or fifteen years hence, we should have nothing to fear from a war with England, if they should be mad enough to force us upon it. At present it would distress us extremely, although it would ruin England. My system is a very simple one; let us preserve the friendship of France, Holland and Spain if we can, and in case of a war between France and England, let us preserve our neutrality, if possible. In order to preserve our friendship with France and Holland and Spain, it will be useful for us to avoid a war with England. To avoid a war with England we should take the regular diplomatic steps to negotiate, to settle disputes as they rise, and to place the intercourse between the two nations upon a certain footing; then we may understand one another, avoid deceits and misrepresentations. It is so much the interest of England, that we should be neutral in a future war, that I am persuaded cool and candid reasoning with their Ministers upon the subject would convince them of it. The force of truth is greater, even upon the minds of politicians than the world in general is aware of. England is now mad with the hope of our having a war with Spain, and even France, in consequence of the family compact, and of our courting them to become our allies and undertake our defence. Surely it would not be difficult for an American Minister to convince a British one, that this is chimerical, and that the only thing they ought to expect from America is neutrality. The real thing the English have to fear is our joining their enemies against them in a future war. She has no alliance to hope from us, unless Spain should force us into a war; and even then, we ought not to ask or accept aid from England, if we could avoid it, unless France, from the family compact, should join Spain.

This reasoning and this system, you see, goes upon the supposition that we are independent of France, in point of moral and political obligation; but if the sentiments of America are otherwise, and these principles are general, which you and I once heard delivered with great formality and energy, viz: "That America ought to join France against England in two future wars, one to pay the debt of gratitude already contracted, and the other to shew ourselves as generous as France had been." I confess myself all wrong, and to be so totally ignorant of the right duties, and interests of my country, as to be altogether unfit for any share in their public affairs, foreign or domestic.

At any rate, our negotiations in this place have not answered the ends proposed by Congress, and expected by the people of America, nor is there now scarcely a possibility that they should. I am very happy in my friend Mr. Jefferson, and have nothing but my inutility to disgust me with a residence here. But I presume Congress will not think it expedient to renew the commission, or attempt any longer to carry on negotiations with the rest of the world, in this place. If they should however, I hope they will think of some other gentleman in my place, as it is my desire to return home, at the expiration of the term of the present commissions.

With great respect and sincere esteem, &c.

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Anteuil, near Paris, April 24, 1785.

Sir,

The letter you did me the honor to write me on the 11th of February last, containing the ratification of my last loan, of two millions of guilders, having been properly addressed to me as Minister at the Hague, by a mistake of the post office at Paris, was sent to Holland, from whence it returned to me last night. This loan is long since full, as my last loan of five millions of guilders is nearly so; I must therefore, solicit the further instructions of Congress, whether I am to open any new loan or not.

Your letter to Doctor Franklin, Mr. Jefferson and me, of the 14th of January, has been duly received and answered.

If I had known a few weeks sooner, that Congress had resolved to send a Minister to London, it would have saved you the trouble of a letter upon the subject, which you will receive by the packet. It has appeared to me, for some time, to be an important and necessary measure; and although the gentleman who may be sent there, whoever he may be, will probably find himself in a thicket of briars, from which he will hardly get free without tearing his flesh, yet I am persuaded that the appearance of an American Minister at the British Court, will have good effects upon our affairs, even in France and Spain, and the nations in alliance with them, as well as in the courts and nations in the opposite scale of the balance; but especially upon the British and American nations.

Will it be foreign to the purpose, upon this occasion, or improper for me to observe, that the people in America, and their legislatures in the several States, should prepare the way for their Ministers in England, to require a faithful execution of treaties, by setting the example of a punctual execution on their part? If we establish the principle, that we have a right to depart from the treaty in one article, because they have departed from it in another, they will certainly avail themselves of the same principle, and probably extend it as much farther, as their sense of justice is less, and their opinion of their own power, however ill founded, is greater. It cannot, I think, be too often nor too earnestly recommended to our countrymen to consider the treaty as sacred, and to fulfil it in all its parts, according to its real spirit and intention, in good conscience, in that most delicate point of all, respecting refugees; I even wish that the people could conquer their natural feelings, and suppress their just resentments; this I am confident is the best revenge that can be taken, and will most effectually disarm even those among them, who are most distinguished for their enmity. If we have any thing to fear from Canada and Nova Scotia, or for our whale fishery, it arises, and will arise from our own severity to these people, and the same observations may be applied to the fur trade, and the posts upon the frontier.

Your desire, sir, to hear from me frequently, and to have my poor opinion on the affairs of your department, does me great honor, and shall be complied with to the utmost of my power: but I shall much oftener have occasion for your advice in such affairs as are entrusted to me. I think myself extremely happy in common with our

countrymen, that I have to correspond with a gentlemen to whom our foreign affairs are very familiar, by long experience, who knows where our difficulties and danger lie, and who has proved himself, upon all occasions, superior to them.

I am sorry to learn that the French Chargé d'Affaires has demanded Monsieur Longchamps to be delivered up, and am the more surprised, because I had understood from such sources as I thought authentic, that the punishment to which he has been sentenced, was satisfactory at court. It may not however be amiss for the French Government to keep up a claim, which may be a standing restraint to their own subjects in all foreign countries. But it cannot be doubted that the French ministry know our right to refuse, as well as theirs to demand, as there is no positive stipulation between the two powers, that criminals shall be mutually given up, and surely it is no perfect right by the law of nations, nor is it a common practice; so far from it, that it will be difficult to show an example of it, where there is no convention.

Your packet for Mr. Carmichael shall be delivered to the Spanish Ambassador to go by his courier, as you desire.

With the utmost respect and esteem, &c.

JOHN ADAMS.

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FROM JOHN ADAMS TO JOHN JAY.

Anteuil, near Paris, May 4, 1785.

Sir,

The day before yesterday, I received the letter you did me the honor to write me, on the 18th of March, enclosing a commission, instructions, and letter of credence to

the Court of Great Britain, and a duplicate of your letter of February 11th, with the ratification of the loan in Holland.

The appointment to the Court of Great Britain demands my most grateful acknowledgments to Congress, and the utmost care and diligence in the execution of it.

I am happy to see, by the resolution of March 7th, that a Minister is to be appointed to succeed me at the Hague; both because a Minister will be necessary there, and because that the Minister in London will find employment for all his time, and should devote himself wholly to the duties of that mission. As no letter of recall is as yet arrived to me, I am a little perplexed. I have been a witness of so much friendship to the United States, and have experienced so much kindness to myself in Holland, that I ought not finally to quit that country, without taking leave of their High Mightinesses, even if established forms had not rendered such a ceremony indispensable.

There is no time to be lost unnecessarily, in executing the instructions of Congress; but you are very sensible, sir, of the necessity of taking leave of this Court, and of the foreign Ministers here, and of the time which such a formality takes up. It will, therefore, be longer before I can be in London than you may wish, perhaps five or six weeks; in the meantime Colonel Smith, I hope, will arrive with the additional information, and I may take such measures as I can to prepare the way before us. The Duke of Dorset has offered me all the service in his power, and professes to wish me success. It may not be useless for me to see Mr. Harris at the Hague.

The instructions are perfectly agreeable to my own in-

clinations; but it would be my duty to carry them into punctual execution, to the utmost of my power, if they were not so. It is not the first time that a public trust of some importance has been committed to me, but I do not know that any ever made a deeper impression upon my spirits, or gave me more serious reflections. To do my duty to our country and her allies, and to reconcile the Americans and English upon principles and terms, which may give satisfaction to all, is no easy task. I can promise nothing but industry—the prospect of success is far from being encouraging. The measure of sending a Minister had become indispensable; Congress will have tried the experiment, and done all that in the opinion of the world was incumbent on them, and if the English nation perseveres in obstinacy and delusion, the United States will be fully informed of it, and have it undoubtedly in their power to do themselves justice. The resolutions of New York and Rhode Island, the former laying heavier duties upon British ships and merchandizes, and the latter adopting the impost of five per cent. if the public papers inform us truly, are symptoms of a spirit rising in America, which will either make the English friendly to us, or their enmity a blessing.

The Count D'Aranda told me yesterday that your packet to Mr. Carmichael was gone to Madrid.

I forgot to mention in its place, your letter of March 15th. The confidence you express is mutual, which I esteem one of the happiest circumstances in my whole life. I have not the honor to be personally known to Mr. Smith, but he shall receive from me all the regard which becomes the relation between us.

With sincere esteem I have the honor to be, &c.

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Anteuil, near Paris, May 3, 1785.

Sir,

The Britons boast, that all the prophecies of the loss of the American trade from the independence of the United States, have proved false: that the experiment has been tried, and the contest decided: that there was at the peace a competition of the commercial nations of Europe, for the prize: that the superior abilities of the British manufacturers, and the greater capitals of their merchants, have enabled them to give our traders better bargains and longer credit than any others in Europe: that as we love our interests, and have small fortunes, we must come to them who can furnish us with goods of the best qualities, at the cheapest rates, and allow us the longest time to pay: that Britain has monopolized our trade beyond credibility: that all the foreign merchants, French, Dutch, and even Spanish, and Portuguese, who had engaged in our trade have failed, while few of theirs have suffered.

While, on the one hand, it is certain that in all this there is much exaggeration, it must be confessed, on the other that there is too much truth, and the success of your mission to London will depend very much upon the researches of Congress and the States into this subject, and the measures they may take in consequence of their inquiries, you will negotiate for reciprocities in commerce to very little purpose, while the British Ministers and merchants are certain, that they shall enjoy all the profits of our commerce, under their own partial regulations.

It behoves the whole people of America, then, to turn

their attention to this subject, it would be presumption in me to discuss the question, whether it is necessary the States should give to Congress a plenary power to govern the commerce of the whole confederation. I have been too long absent, and at too great a distance to be able to form a judgment, even to my own satisfaction. But I can see numberless mischiefs and inconveniences arising from the want of unity and system, in the direction of such complicated interests, and every State will find itself necessitated frequently to apply to Congress for their interposition, either by recommendations or decisions.

You will give me leave then to inquire, whether it may not be proper for Congress, to call upon the States in such manner, as they may judge constitutional, to furnish them with authentic accounts of all the exports and imports of every State since the peace, of the vessels which have entered, or cleared out, the nation to which they belong, and all other particulars which may be thought proper. It should seem impossible that the union can be preserved, without some such general repository of the commercial interests and knowledge, the information to be derived from it would bring the States to act in concert, by shewing the necessity of it to all, and Congress or the States might take such measures, as would insure them justice against the English; from such a view they might lay such discouragements on British ships and manufactures, and procure such advantages to their own, as would be beneficial to our country, while it would show the English their own weakness; heavy duties might be laid upon articles of luxury wrought in England and imported from thence, which would discourage the extravagant use of them, among

ourselves, place other nations upon as good and better footing than the English, and raise the revenue for the public out of that enthusiasm for England, which has been and is still so unwise in itself, and so hurtful to our country. Such measures as these would discover to the English, that we know our own strength and their weakness, and would have probably a greater tendency to influence the ministry, by preparing the nation, than any reasoning which can be used. It is a diplomatic axiom, "that he negotiates ill, who is not in a condition to make himself feared," but measures for this purpose must be taken by the people of America. Our army will be no terror to them, because they think at present they shall never send an army to fight us in our own country, and they do not believe that ours will go abroad to attack them; they are too proud of their own navy, and have too much disregard of ours, to dread us upon the sea; although experience should have taught them, that their commerce might be much endangered by our cruisers, so that we have no means to make an impression on them, but by commercial regulations, which the vulgar may see strike essentially at their interests without injuring our own.

With great and sincere esteem, &c.

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 7, 1785.

Sir,

In a former letter I expressed a doubt, whether I should go directly to London, or first to the Hague, in order to

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take leave; but upon further reflection, as I have not received a regular letter of recall, and another Minister to their High Mightinesses is not yet arrived, it seems best to avoid occasion of too much speculation among our creditors in that country, for the present. The Minister who shall do me the honor to succeed me, will probably bring my letter of recall, and I hope, the permission of Congress for me to go over to Holland, to pay there my last official respects, provided the state of our affairs in London, will admit of my absence for the space of time necessary, which may be three weeks; but if Congress should think this ceremony unnecessary, or I should be engaged in business for the public, which cannot conveniently be left, I may take leave of their High Mightinesses, and of his most Serene Highness, by a respectful letter, which perhaps, may answer the end. I hope to be in London by the end of this month.

As we have no friends in England, or any other part of Europe, but in Holland, I must ask the favor of Congress to transmit me their authority by a resolution, to draw upon their bankers in Holland, for the amount of my salary, and the salary of Mr. Smith, and some little disbursements which may be indispensable.

My friend and colleague, Mr. Jefferson, brought with him an order to receive of M. Grand a sum of money in advance, to furnish his house; but M. Grand having no money in his hands, but, on the contrary, being much in advance, made some difficulties, which induced Mr. Jefferson to apply to me. I accordingly drew upon your bankers in Amsterdam a bill in his favor for six thousand guilders, which he has received. As M. Grand could not have advanced the money, by drawing on the same

fund, one commission has been saved by this means, and I hope for the approbation of Congress.

Colonel Humphreys brought with him an order upon M. Grand, for money to pay for a medal, to be struck for each of the Generals, Washington, Gates and Greene, and for some swords, adjudged by Congress to other officers, and upon M. Grand's inability to make the advances, he applied to me. As we supposed it to be the undoubted intention of Congress, that these small presents should be made in honor of those great events and immortal actions, I consented to draw for the money upon the same bankers, to the amount of about a thousand pounds. This also I hope will meet the approbation of Congress.

If you will pardon, sir, a transition to a subject not much connected with the foregoing, I may fill the rest of my paper with an observation which may have its uses. The extreme severity of cold and drought, which have continued through the months of February, March, April, and to this day, has brought upon this country, and perhaps others, a serious calamity. There is such a scarcity of herbage and pasturage, that the poor people in many places have been obliged to kill their cattle, to prevent them from starving. In many other places they have been necessitated to feed the cattle, with grain and bread and other things necessary for the support of their families. The daily processions which pass before my door, in prayers for warmth and rain, are afflicting to humanity. These circumstances, however, have contributed to silence the clamors of various provinces, against the commerce between us and the French West India Islands, more than all the authority of the King and influence of Go-

vernment. The whole nation must see, and the English too will probably see, the impossibility of supporting their Islands with wheat and flour, and even the necessity of importing considerable quantities of these articles, as well as rice, from the United States into Europe. It is generally agreed that the crops of grass will be so diminished, that even if the wheat should not fail, they shall be obliged to apply so much of the latter to the subsistence of their cattle, that they must import from us. I wish you a plentiful season and industrious husbandmen, that you may be able to support the wants of all Europe, as well as your own.

With the greatest respect, &c.

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 8, 1785.

Sir,

In executing the instructions of Congress of the seventh of March last, as well as all former orders, which concern the court of Great Britain, the Ministry will no doubt, find my commission and letter of credence sufficient authority. But you will see by a letter from the Duke of Dorset, which your Ministers have sometime since transmitted, that the British cabinet have conceived doubts, whether Congress have power to treat of commercial matters, and whether our States should not separately grant their full powers to a Minister. I think it may be taken for granted, that the States will never think of sending separate Ambassadors, or of authorizing di-

rectly those appointed by Congress. The idea of thirteen plenipotentiaries meeting together in a congress at every court in Europe, each with a full power and distinct instructions from his State, presents to view such a picture of confusion, altercation, expense and endless delay, as must convince every man of its impracticability. Neither is there less absurdity in supposing, that all the States should unite in the separate election of the same man, since there is not, never was, and never will be, a citizen, whom each State would separately prefer, for conducting the negotiation. It is equally inconceivable that each State should separately send a full power and separate instructions to the Ministers appointed by Congress. What an heterogenous mass of papers, full of different objections, various views, and inconsistent and contradictory orders must such a man pull out of his *porte feuille*, from time to time, to regulate his judgment and his conduct! He must be accountable too, to thirteen different tribunals for his conduct: a situation in which no man would ever consent to stand, if it is possible, which I do not believe, that any State should ever wish for such a system. I suppose, too, that the confederation has already settled all these points, and that Congress alone have authority to treat with foreign powers, and to appoint Ambassadors and foreign Ministers, and that the States have separately no power to do either. Yet it is plain from the Duke of Dorset's letter, that the British cabinet have conceived a different opinion. This is to be accounted for only by conjecturing that they have put an erroneous construction on the *limitation, restriction, or exception* in the article of our confederation, which gives to Congress the power of appointing Ambassadors and

making treaties. This limitation is confined to treaties of commerce, all others Congress have full power to make. From this limitation however, will probably arise a great deal of difficulty and delay to me. If the British Ministry wish and seek for delays, this will be their pretext. But even if they should wish for despatch, which is not likely, they may have propositions to make which will fall within the limitation, and in such case, it will not be in my power to agree with them.

I can only transmit the proposition to Congress, who will perhaps transmit them to the States, and no man can foresee when the answers will be received, so that the business can be brought to a conclusion. It is a long time that Congress have appeared to be aware of these obstructions, in the way of our prosperity; but it does not yet appear that the States have been sufficiently attentive to them to remove them. It is not to be supposed that Congress will ever frame any treaty of commerce, with any foreign power, which shall be unequal and partial among the States, or oppressive upon any one of them; and it is very clear, from the situation and circumstances of the country, that no such treaty can ever be carried into execution, or last long. If the States should be unwilling to confer upon Congress a power to make treaties of commerce unlimited in point of time, it should seem that time alone might be a sufficient restriction, or the limitation might be to a particular nation, as the English for example, for a certain time, although it must be always remembered, that we cannot favor the English with any thing which will not become common to other nations—the French, the Dutch and Swedes, at least.

It is very possible that the Cabinet of St. James may

decline even entering into any conferences at all, upon the subject of a treaty of commerce, until the powers of Congress are enlarged. If they should, the people of America cannot be too soon informed of it, and turn the deliberations in their assemblies to this object.

In this case, the only present hope of your Minister will be, in obedience to his orders, to convince the British Ministry of the necessary tendency of their restrictions on our trade, to incapacitate our merchants in a certain degree to make remittances to theirs, to urge the surrender of the posts, the restitution of the negroes, the explanation respecting debts, and those other matters pointed out in his instructions, in which the right, and power and equity are too clear to leave any plausible pretences for delay, and to transmit, by the earliest opportunities, to Congress, full and true accounts of his proceedings.

On the 30th of April, 1784, Congress recommended to the Legislatures of the States, to vest them, for fifteen years, with the power to prohibit any merchandizes from being imported or exported in vessels belonging to, or navigated by, the subjects of any power with whom we shall have no treaty of commerce; and to prohibit the subjects of any foreign state, unless authorized by treaty, from importing into the United States any merchandizes, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are,—provided that the assent of nine States be necessary.

To suppose that the British Cabinet intended by the doubts of our powers, expressed in the Duke of Dorset's letter, to assist Congress in obtaining from the Legislatures, a compliance with those recommendations, would

be more charitable than their conduct in any other instance would justify. I rather think it was a mere excuse for delay, but it ought to operate upon the minds of the people of the States and their assemblies, as a powerful incentive to compliance; but it may be still a question whether a compliance of all the States, will still satisfy the British cabinet, and they may require an express vote of unlimited authority to Congress, for a certain time at least, from each State, to enter into a treaty of commerce with them.

I have not yet been able to learn with certainty, how many and which of the States have agreed to those recommendations of Congress. It will now be necessary for me to be very attentive to this, and to request of you, Sir, the earliest and most minute intelligence of every proceeding of Congress and the States relative to it.

The last year must have been a prosperous period in the United States: the high prices of their produce, and the low prices of foreign merchandizes, are a demonstration of it. Yet our shipping, our seamen, our carrying trade, have been discouraged. Present ease and even wealth should not be our only object.

We ought to attend to considerations of strength and defence. Our situation is different from some of the powers of Europe, who have neglected their own defence. Switzerland is situaed so, that if she should be attacked one neighbor, she would infallibly be defended by two others. If attacked by Sardinia, she would be defended by France and the Emperor; if by the Emperor, France and Sardinia would support her; and if by France, the Emperor and Sardinia would unite to protect her. This is so fully known

other and all her neighbors, that she fears nothing, and is at no expense. Holland attacked by France, found a friend in England; when attacked by England, France supported her; when the Emperor threatened her, she found a friend in France too, and she will forever be sure, that neither of these three great powers can ever suffer her to fall a prey to any of the others. She has relied so much upon this, as to neglect her defence, to her great regret at present. But what are Switzerland and Holland, small powers limited by nature, so that they never can be great, to the United States of America, destined beyond a doubt to be the greatest power on earth, and that within the life of man. This is so well known, that instead of being overlooked among the powers, like Holland and Switzerland, we shall be more an object of jealousy than any other upon earth. All the powers know that it is impossible for any, the proudest of them, to conquer us; and therefore, if we should be attacked by any one, the others will not be fond of undertaking our defence; knowing we can defend ourselves, they will leave us to do it, and if they assist us at all it will not be until we have done the work, and then it will be feebly, and only with a view of deriving more benefit and reputation from it than they do us good. They will be pleased to see us weakened and our growth a little retarded. It behooves the United States then to knit themselves together in the band of affection and mutual confidence, search their own resources to the bottom, form their foreign commerce into a system, and encourage their own navigation and seamen, and to these ends their carrying trade; and I am much afraid we shall never be able to do this, unless Congress are vested with full power, under

the limitations prescribed of fifteen years, and the concurrence of nine States, of forming treaties of commerce with foreign powers.

With great esteem, &c.

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Auteuil, near Paris, May 13, 1785.

Sir,

We meet, as you know very well, so often with foreign Ministers at Court and other places, and have so many transient conversations, upon subjects in which America is more or less concerned, that I scarcely know when it is worth while to transmit them to you, and when it is not. There is danger on one hand, of degenerating into minuteness, and on the other, of omitting something which may be of consequence.

The Duke of Dorset has been, in general, very civil to Doctor Franklin, Mr. Jefferson and me, and I believe I may say with exact truth, that he has shown us as much respect and attention, as he has to the Ministers of any power whatever; but since the English papers, from the gazettes of New York, have published my appointment to his Court, he has been more assiduous, if I may use that expression, than ever.

He congratulated me, at last Court, very politely, on my appointment, and said if he could be of any service to me in public or private, by writing to Mr. Pitt or Lord Carmarthen, or to any of his private friends, it would give him pleasure to do it. I thanked his Grace, in general

terms, and said it was very possible he might be of service to me, and to his own country too, as well as mine, if his Grace and his humble servant thought alike upon certain points. He thought then, as well as I, that it was proper we should compare notes; and said he would come out to Auteuil and see me, on Saturday at twelve. Accordingly he came, and repeating his professions of good will, and his offers of service, I told his Lordship I did not mean to give him the trouble of any official representations, but as he was willing to enter into private conversation with me upon affairs, I might ask what could be the reason why the posts upon our frontiers were not evacuated. He said he could not tell. I added, there had undoubtedly been full time, and it could not but be considered as inconsistent with the treaty; that he might well imagine it must be a tender point with us, and that jealousies and apprehensions would be very justly kept alive, among all our people, until the treaty was fulfilled in this particular. He seemed wholly at a loss upon this subject, and did not incline to compromise himself, by hazarding any opinion.

I then mentioned the debts, and said it was certainly for the mutual advantage of both sides that we should come to an explanation upon that article. That to let loose the law, and perhaps the inflamed passions of some creditors, upon the debtors and their estates, might ruin the latter without paying the former. That if execution was served upon the person of a debtor for want of estate, by the ancient as well as modern laws, he might, in a stated period, obtain his liberty, upon his oath, and the debt would be lost. If execution should be levied upon estate, it must be sold at vendue, and in the presen

scarcity of money, would not be sold for half its value, so that the creditor might lose as well as the debtor. That it would surely be better for both countries, as well as for creditor and debtor, that the latter should be allowed time to turn himself, and make the most of his property. The Duke replied, that if the matter should be represented in this light, and made appear to be so, perhaps the Ministry and the creditors might be satisfied; but, he added, interest should be paid. I answered, that the question concerning interest would not be changed at all by a delay; it would be the same, whether the principal were paid now or sometime hence. But I found his Lordship here again unwilling to hazard any opinion of his own.

I then mentioned the negroes, and asked why the treaty was so little attended to in this article? He asked whether any considerable number had been carried off? I answered, a very great number, and not only against the treaty, but confessedly so, for that Sir Guy Carleton had at the time of his carrying them away, acknowledged it to be against the treaty; but alleged that their treaties with the negroes obliged them to do it, and therefore they must pay for them. I added, that this made it still harder upon the American debtors, and indeed, made it perfectly just for them to withhold payment, because that the property of many of them, was thus wrongfully withheld from them; property, by which they might have been enabled to pay at least much of their debts; but I found that either his Grace had not thought much upon these subjects, or that his prudence restrained him from speaking freely, and he chose to waive particulars, by repeating offers of his service. I replied, that

I did not think it was proper for me to desire his Grace to make any official representations, because my first address of that kind should be made to Lord Carmarthen; but that noblemen and gentlemen of high rank were often here and in company with his Grace, and as conversation turned often upon American affairs, it might be in his Grace's power to rectify many mistakes relative to these subjects. It would be still more in his power by his private correspondences. I could not, however, obtain any specific promises, but he concluded by more general assurances, that he sincerely wished that all questions might be settled to mutual satisfaction, and entire harmony and affection restored, &c. &c.

A few days after, the Duke came out a second time to see me at Auteuil, and brought me some letters to the custom house at Dover, which he believed would save me any troublesome visits of those gentry, and said he had written to Mr. Pitt, to desire him to send an order to the custom house, which would certainly answer the end.

He then told me, I must be in London time enough to pay my respects to the King, on the 4th of June, his birth day; that to that end I must carry over from hence a fine new coat, ready made, for that it was a rule of etiquette there for every body to have new clothes upon that day, who went to court, and very rich ones, and that my family must be introduced to the Queen; I told him I was sorry to hear that, but that I hoped it was not indispensable, for that at the Court of Versailles, the families of Ambassadors only were required to be presented, and Ministers Plenipotentiaries and Envoys had their option; my family had chosen to avoid it here, for

many reasons. He said it was true, that here, the etiquette required only the presentation of Ambassadors; but in England it was otherwise, and the ladies and daughters of all the Ministers must be presented to the Queen.

I hope, Sir, you will not think this an immaterial or a trifling conversation, when you consider, that the single circumstance of presenting a family to Court, will make a difference of several hundred pounds sterling in my inevitable annual expenses. This is not the first serious lecture that I have had upon the subjects of etiquette, and even dress. I have formerly related to you in conversation, another much more grave, which I had five years ago from the Count De Vergennes. I believe I have also repeated to you similar exhortations made to me, even by the best patriots in Holland. There is a certain appearance in proportion to rank, which all the Courts of Europe make a serious point of exacting from every body, who is presented to them.

I need not say to you, Sir, because you know it perfectly, that American Ministers have never yet been able to make this appearance at any Court; they are now, less able to do it than ever. I lament this necessity of consuming the labor of my fellow citizens upon such objects as much as any man living, but I am sure that the debasing your Ministers so much below their rank, will one day have consequences of much more importance to the husbandman, artisan and even laborer.

With the most cordial esteem, &c.

JOHN ADAMS.





THE
CORRESPONDENCE

OF

JOHN ADAMS, BENJAMIN FRANKLIN, AND
THOMAS JEFFERSON.

JOINT COMMISSIONERS, AND MINISTERS PLENIPOTENTIARY

FOR THE

FORMATION OF TREATIES OF AMITY AND COMMERCE WITH
FOREIGN POWERS.

On the 3d day of June, 1784, Congress issued a joint commission to John Adams, Benjamin Franklin, and Thomas Jefferson, granting to them, or a majority of them, plenary power, to negotiate and conclude a supplementary treaty with Sweden, for the purpose of perfecting the commercial intercourse already entered into between the two nations.

A joint commission had been issued to John Adams, Benjamin Franklin and Thomas Jefferson, on the 12th day of May, 1784, empowering said Commissioners, or a majority of them, to treat with Russia, respecting a treaty of amity and commerce.

Commissions of the same tenor and date, were issued for treating with the Courts hereafter specified, except that the expressions thereunto severally annexed, were substituted for those marked in the preceding commission.

Germany.—His Imperial Majesty.

Prussia.—His Prussian Majesty.

Denmark.—His Majesty the King of Denmark.

Saxony.—The citizens of the United States, and the subjects of the most serene Elector of Saxony.

Hamburg.—The citizens of the United States of America and the Imperial city of Hamburg.

England.—His Britannic Majesty.

Spain.—His Catholic Majesty.

Portugal.—Their most Faithful Majesties.

Naples.—His Majesty the King of the two Sicilies.

Sardinia.—His Sardinian Majesty.

The Pope.—The United States of America and the dominions of his Holiness the Pope.

Venice.—The United States of America and the most serene Republic of Venice.

Genoa.—The United States of America and the most serene Republic of Genoa.

Tuscany.—The citizens of the United States of America and the subjects and people of the most serene Grand Duke of Tuscany.

The Porte.—The Sublime Porte.

Morocco.—The high, glorious, mighty and most noble Prince, King and Emperor of the kingdom of Fez, Morocco, Taffilete, Sus, and the whole Algasbe and the territories thereof; a treaty of amity, or of amity and commerce.

Algiers.—The citizens of the United States of America and the subjects of the Dey and Government of Algiers—a treaty of amity, or of amity and commerce.

Tripoli.—The citizens of the United States of America and the city and kingdom of Tripoli; the most illustrious Lords and Governors of the City and Kingdom of Tripoli; a treaty of amity; or of amity and commerce.

Tunis.—The citizens of the United States of America and the people of the state and kingdom of Tunis, the regency or Government of Tunis; a treaty of amity, or of amity and commerce.

Appointment of Secretary by the United States in Congress assembled, May 12, 1784.

Congress proceeded to the election of a Secretary to the Commission for negotiating treaties of commerce with foreign powers, and the ballots being taken, Mr. David Humphreys was elected.

CHARLES THOMPSON,
Secretary.

May 7, 1784.—Resolutions were adopted by Congress, instructing their Commissioners in Europe with regard to the formation of treaties.—[See *Vol. 1. p. 111.*

On the 11th May, 1784, further instructions were issued by Congress, in the shape of resolutions; having reference to instructions of a former date, May 30, 1783, "the objects of which they are directed to urge with perseverance."—[See *Vol. 1, p. 117.*

June 3, 1784.—Instructions relative to the navigation of the Mississippi.



Minutes of the proceedings of the Ministers Plenipotentiary of the United States of America, for forming treaties of Amity and Commerce, with foreign powers.

Passy, August 30, 1784.

Present, Mr. Adams, Mr. Franklin, Mr. Jefferson, Ministers—D. Humphreys, Secretary.

After having read the instructions, paragraph by paragraph, noted their contents, and agreed to meet every

day at this place until the objects of the commissions should be properly arranged, and put as far as may be, into the best train of execution,

Resolved, That it is the opinion of the Ministers Plenipotentiary, that Captain John Paul Jones (who is authorized by Congress to receive all the prize moneys which may be due in Europe) should apply to the Court of Denmark, for the recovery of an adequate compensation for the prizes which were captured by the Alliance frigate, carried into Bergen, and delivered by the orders of that Court to the British, that it would be well for him to obtain the patronage of the Court of Versailles in this application, if practicable; and that he be informed he may expect to receive any assistance which the Plenipotentiaries may be able to afford, in case he should have occasion for it.



Passy, August 31, 1784.

It was agreed by the American Plenipotentiaries to announce officially to the Court of Versailles the object of their mission, as early as possible; they also gave information to Mr. David Hartley, Minister Plenipotentiary from his Britannic Majesty, that they had received a commission for negotiating a treaty of amity and commerce, with the Court of London, and desired that he would announce to his Court, that they were ready to proceed on the negotiation; whereupon, Mr. Hartley informed them verbally, that he did not doubt his Court would at all times be ready to concur in forming such a system as might fully answer every purpose of commer-

cial, as well as political advantage to the two countries, and fix and establish a permanent and beneficial intercourse between them.

Passy, September 1, 1784.

The Ministers Plenipotentiary having received a letter from the Secretary of Congress on the 16th of July, covering a resolution of the committee of the States, bearing date July 10th, 1784, referring copies of the papers relating to the brig *L'Aimable Elizabeth*, a French vessel, that was deserted by her crew at sea and taken up by the citizens of the United States on the 5th April, 1783, to the Ministers for negotiating treaties of commerce with foreign powers, and instructing them that they should require of the British Court, that the full value of the said brig and her cargo be restored for the benefit of Robert Sewel, by whose order she was taken up at sea, ordered that the Secretary of Legation write a letter to Mr. Barclay, Consul General of the United States at L'Orient requesting that he would inform them of all the facts respecting the said brig *L'Aimable Elizabeth* which can be obtained.

It was agreed to request the Baron de Walterstorff to meet the Plenipotentiaries at Passy, in order to confer respecting the mode of proceeding in negotiating a treaty of amity and commerce with the Court of Denmark.

Passy, September 4, 1784.

The American Ministers Plenipotentiary gave information to the Baron de Walterstorff, Minister Plenipotentiary from his Majesty the King of Denmark, that they had received a commission for negotiating a treaty of amity and commerce with the Court of Denmark, and desired that he would announce to his Court, that they were ready to proceed on the negotiation.



The object of the commission, with respect to the completion of a treaty of amity and commerce, between the United States of America and his Majesty the King of Prussia, was communicated in the subsequent letter to the Baron De Thulemeier, Envoy Extraordinary from his Prussian Majesty, at the Hague, viz :

Passy, near Paris, September 9, 1784.

Sir,

The United States of America in Congress assembled, judging that an intercourse between the subjects of his Prussian Majesty and the citizens of the said States, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations, on the twelfth day of May last, issued their commission under the seal of the said States, to the subscribers, as their Ministers Plenipotentiary, giving to them, or the majority of them, full power and authority for them, the said States, and in their name to confer, treat and negotiate with the Ambassador, Minister or Commissioner of

his said Prussian Majesty, vested with full and sufficient powers of and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States in Congress assembled, for their final ratification.

We have now the honor to inform your Excellency, that we have received this commission in due form, and that we are here ready to enter on the negotiation, and to reconsider and complete the plan of a treaty which has already been transmitted by your Excellency to your Court, whenever a full power from his Prussian Majesty shall appear for that purpose.

We have farther the honor to request of your Excellency, that you would transmit this information to your Court, and to be with great respect,

Your Excellency's, &c.

JOHN ADAMS,
BENJAMIN FRANKLIN,
THOMAS JEFFERSON.

P. S. A similar letter was addressed at the same time to his Excellency the Count De Souza de Coutinho, Ambassador from their most faithful Majesties at the Court of Versailles.

FROM M. SPINOLA TO BENJAMIN FRANKLIN.

Translation.

Paris, September 9, 1784.

Sir,

The most Serene Government of Genoa, being desirous to favor, as much as possible, the commerce of his

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subjects with the provinces and ports of the United States of North America, which you have the honor to represent, has taken the determination to send, to Boston, a consul or agent, for the purpose of protecting and forwarding the interest of the Genoese in the United States; but this Government, being anxious to observe the regard which princes owe to each other, has ordered me to inquire of you, in the first place, if this determination will be agreeable to the United States.

I am much flattered, Sir, that this commission will furnish me with the opportunity of corresponding with you on a subject, which must be very advantageous to the two nations we have the honor of serving.

I am, with great respect, &c.

SPINOLA.

FROM B. FRANKLIN TO M. SPINOLA.

Passy, September 13, 1784.

Sir,

I received the letter you did me the honor of writing to me the 9th inst. respecting the appointment of a Consul to reside at Boston, on the part of your State, to protect the interests of your commerce and people in America. On consideration I thought it right to communicate the same to my colleagues now here, Mr. Adams, and Mr. Jefferson, they being with me commissioned to make treaties of commerce with such maritime nations, as may be desirous of trading with our States. We are sensible of the delicacy with which your most serene government has proceeded in the proposition, and we are persuaded that on all occasions, equal respect will be

shewn by the Congress. But being of opinion that previous to the appointment of a Consul, some Convention will be necessary, that may ascertain his powers, privileges, &c. and that such a Convention will most naturally follow a treaty of amity and commerce. We take this occasion to inform you of our having full powers for making such treaties, and that we are willing and ready to enter into a negotiation for that purpose with the most serene government of Genoa, whenever it shall be to them agreeable.

The copy I have the honor of enclosing to you, of some late resolutions of Congress, will show the utility and necessity of such a treaty, to the freedom of trade between our countries.

I am, with great respect, &c.

BENJAMIN FRANKLIN.



Versailles, September 15, 1784.

The American Ministers Plenipotentiary exhibited officially to the Count de Vergennes, Minister and Secretary of State, having the department of foreign affairs, the commission of the United States in Congress assembled, authorizing them to negotiate and conclude a supplementary treaty between the United States and his most Christian Majesty, a copy whereof was left with the Count: who informed them in substance as follows, "that he should always be ready to enter on negotiations, and receive propositions, which might be of mutual advantage, and tend to cement the union, and increase the harmony, which prevailed between the two nations."

Passy, September 16, 1784.

Mr. Hartley, Minister Plenipotentiary from his Britannic Majesty, having previously requested a meeting with the American Ministers, now gave them information that he had received orders from his Court to return to London, and that he was authorized to assure them of "the ready and friendly disposition of the Court of London to receive any proposals from the United States, for forming such regulations as might tend to the mutual reciprocal advantage of both countries."



On the 22d day of September the following communication was made to his Excellency the Count de Aranda, Ambassador Extraordinary and Plenipotentiary from his Catholic Majesty the King of Spain, at the Court of Versailles, viz:

Passy, near Paris, September 22, 1784.

Sir,

The United States of America in Congress assembled, judging that an intercourse between the subjects of his Catholic Majesty and the citizens of the said States, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations, on the 12th day of May last, issued their commission under the seal of the said States, to the subscribers as their Ministers Plenipotentiary, giving to them, or a majority of them, full power and authority for them, the said States and in their name, to confer, treat and negotiate,

with the Ambassador, Minister or Commissioner, of his said Catholic Majesty, vested with full, and of sufficient powers, of and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States in Congress assembled, for their final ratification.

We have now the honor to inform your Excellency, that we have received this commission in due form, and that we are here ready to enter on the negotiation, whenever a full power from his said Catholic Majesty shall appear for that purpose.

We have further the honor to request of your Excellency, that you would transmit this information to your Court, and to be, with great respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

At the same time letters of the same tenor, changing only the style of the several Courts, exactly in conformity to the expressions made use of in the original commissions, were written to his Excellency Prince Bariatinski, Minister Plenipotentiary from her Imperial Majesty of all the Russias, at the Court of Versailles ;

Mr. Riviere, Chargé d'Affaires from the Elector of Saxony, at the Court of Versailles ;

Mr. De Pio, Chargé d'Affaires from his Sicilian Majesty, at the Court of Versailles ;

His Excellency the Count de Scarnafis, Ambassador of the King of Sardinia, at the Court of Versailles ;

His Excellency Monseigneur Prince Doria Phamphili,

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Nuncio Ordinary of the Pope, at the Court of Versailles;

His Excellency the Chevalier Delfino, Ambassador from the Republic of Venice, at the Court of Versailles;

And to Mr. Favi, Chargé d'Affaires from the Grand Duke of Tuscany, which letter, from a mistake in transcribing, was not dated or sent until the 30th of September.

FROM THE AMBASSADOR OF PORTUGAL TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

The Ambassador of Portugal has the honor to inform Messrs. Adams, Franklin and Jefferson, that he has received their letter, and that he immediately transmitted it to his Court, from whence he awaits an answer, in order to communicate with them, upon the articles relative to the treaty of commerce.

FROM M. RIVIERE TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

Gentlemen,

I have received the letter with which you honored me the 22d instant, and I did not fail to transmit it to my Court, according to your desire. As soon as I receive an answer, I will make it a duty to submit it to you.

I have the honor to be, &c.

RIVIERE.

Chargé d'Affaires of the Court of Saxony.

FROM M. DE PIO TO THE COMMISSIONERS.

Translation.

Paris, September 26, 1784.

Gentlemen,

I have received the letter which you did me the honor to write to me the 22nd inst. upon the subject of a treaty of amity and commerce, which the United States of America would wish to form with the King my master, for the welfare respectively of his subjects and their citizens. I hastened, gentlemen, to place before his Sicilian Majesty your proposition, and will communicate to you the answer as soon as it is received from my Court.

I have the honor to be, &c.

DE PIO.

Chargé d'Affaires of the Court of Naples.



FROM M. DE SCARNAFIS TO THE COMMISSIONERS.

Translation.

Paris, October 26, 1784.

Gentlemen,

I have received the letter which you did me the honor to write the 22nd of September, wherein you inform me, that the United States of America in Congress assembled have granted you power, to form a treaty of amity and commerce with his Majesty the King of Sardinia, I have just communicated it to my Court, and if any particular order should be taken on the subject, I will not fail to inform you.

I seize this occasion, gentlemen, with true eagerness to assure you of my perfect respect, and have the honor to be, &c.

DE SCARNAFIS.
Ambassador of Sardinia.



FROM THE CHEVALIER DELFINO TO THE COMMISSIONERS.
Translation.

Gentlemen,

It is with the greatest satisfaction, that I have just received the letter, which you have done me the honor to write. I will not fail, gentlemen, to transmit your information to the Senate, and as soon as I receive an answer I will consider it a duty to communicate it to you.

In the interim, I have the honor to be, &c.

LE CHEV. DELFINO.
Ambassador of Venice.



FROM M. FAVI TO THE COMMISSIONERS.
Translation.

Paris, October 10, 1784.

Gentlemen,

I have received the letter which you did me the honor to write the 30th ultimo, wherein you have done me the favor to announce the commission and full power, with which you have been clothed by the United States of America in Congress assembled, in order to propose and to form bonds of amity and commerce with the States of Tuscany.

I shall esteem it a duty to communicate this information to my Court, conformably to your desire, not doubting that it will be equally agreeable with the proposition enclosed.

I have the honor to be, &c.

FAVI.

Chargé d'Affaires of Tuscany.

—•••—
FROM THE COMMISSIONERS TO THE BARON STAEL DE
HOLSTEIN.

Passy, near Paris, October 2, 1784.

Sir,

The United States of America in Congress assembled, judging that it might be necessary, for the purpose of promoting and perfecting the commercial intercourse so happily begun between his Swedish Majesty and them, that supplementary treaties be formed, in addition to the treaty of amity and commerce already entered into between the two nations, on the third day of June last, constituted the subscribers their Ministers Plenipotentiary, giving them, or a majority of them, full power for the said States, and in their name to confer, treat and negotiate with the Ambassadors, Minister or Commissioner of his said Swedish Majesty, with full and sufficient powers of and concerning such supplementary, treaty or treaties, to make and receive propositions for such treaty or treaties, and to conclude and sign the same, transmitting it or them to the said United States in Congress assembled, for their final ratification.

We have now the honor to inform your Excellency,

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that we have received the full power for the purposes above mentioned, and are here ready to enter on the negotiation whenever a full and sufficient power from his Swedish Majesty shall appear, and to request your Excellency to lay this information before his Majesty, that such order may be taken, as to his wisdom shall seem convenient.

With great respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FROM BARON STAEL DE HOLSTEIN TO THE COMMISSIONERS.

Translation.

Paris, October 5, 1784.

Gentlemen,

I had the honor to reply in the first instance to the Secretary of the commission, Mr. Humphreys, for the formation of treaties by the United States of America, on receiving the letter which the Ministers plenipotentary have done me the honor to write, that I would not fail to place it before his Majesty ; but I was desirous of gaining time in order to be enabled to communicate to his Majesty some ideas upon the amendments, which are to be proposed on the part to the United States. Supposing, gentlemen, that you entertain this opinion, I will not delay to inform you that a Swedish courier departs hence, in a couple of days, by whom a sure opportunity is offered of transmitting papers relative to this affair.

I have the honor to be, &c.

E. M. STAEL DE HOLSTEIN.

October 8, 1784.

In consequence of the preceding letter, the subsequent verbal information was remitted to his Excellency the Ambassador, by Mr. d'Asp, secretary to the Swedish embassy, viz :

“ The objects of the supplementary treaty proposed on the part of the United States, with his Swedish Majesty, are in substance these :

1st. To bring the condition of the subjects and citizens of each party trading in the dominions of the other, more nearly to that of the natives, than it is at present. The Island of St. Bartholomew presents itself as a part of this object, which the United States would wish to have laid as open to them, as they will lay their countries to the subjects of his Swedish Majesty.

2d. To provide by stipulations, while the two nations are in terms of friendship with each other, that if ever a war should unhappily fall out between them, it shall not interrupt commerce or agriculture, and that prisoners of war shall be favorably treated.”



FROM THE COUNT DE ARANDA TO THE COMMISSIONERS.

Translation.

Paris, September 27, 1784.

Gentlemen,

I received yours of the 22d, the day before yesterday, by the hand of Mr. Humphreys, Secretary of Legation. I am there informed of the wish of the United States of

America to establish, with the Catholic King, a correspondence which may prove convenient to both powers, founded upon the principles of equality, reciprocity and friendship, and which will be mutually advantageous to the two nations. That for this purpose the United States have, by their act of the 12th May, authorized your Excellencies, in due form, as their Ministers Plenipotentiary, to confer, to treat, and to conclude, with the King my master, a treaty of amity and commerce, to be sent for ratification to the said States.

Certainly such dispositions in the United States, and such principles of equality, reciprocity and friendship, will be very pleasing to the purity of his Catholic Majesty's heart, to whom I will transmit your communication as I received it.

With the same end in view, and to enable his Majesty to take this step, allow me, gentlemen, to inquire if either or any of you will repair to Madrid, for the purpose of negotiating and concluding this treaty. This request your Excellencies will not consider improper, when it is understood that the customs of my Court, (the most regular and systematic of all others,) in matters between its Crown and any other power, is to negotiate between themselves, without availing themselves of a third place.

It is difficult, in adjusting a peace between more than two powers, or between many parties, whose interests are to be conciliated. A point of re-union is then indispensable, as happened at the last peace; on which subject I may mention to your Excellencies, that the principal points being agreed to, the incidental ones of commerce, limits, and other affairs between Spain and England, were not embraced in my power of treating at Paris; but were

to be discussed at one of the two Courts, or at both, in conformity with the general rule, which has ordinarily no exception, save in cases where a continuance is required in a third place—it being the place of beginning.

This being the first treaty between us, and there being but two parties, I have deemed it proper at the time to make these observations to your Excellencies, with a view at once to inform the King my master, to prevent delay, by giving him timely information in the beginning.

As soon as your Excellencies shall have acquainted me with your intentions upon this point, I will expedite the matter; being always desirous that friendship and a good understanding may be the satisfactory result to the two States.

On this occasion I offer to your Excellencies, my personal desires to serve you. May God preserve you many years. I am, &c.

EL CONDE DE ARANDA.

FROM THE COMMISSIONERS TO THE COUNT DE ARANDA.

Passy, October 28, 1784.

Sir,

We have received the letter you did us the honor to write us on the 27th day of September last, and we thank you for your care in transmitting to your Court, the information of our appointment to treat with it.

You desired to be informed, if one or more of us can repair to Madrid for the purpose of conducting and concluding the negotiation, because that is the system of your Court, in matters between its crown and another power, to treat in one of the two governments.

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In answer to this inquiry, we have the honor to inform you, that the United States in Congress assembled have thought fit to propose treaties with most of the maritime powers of Europe, and for the accommodation of those powers, have been willing that their Ministers should attend on this side the Atlantic. We have already communicated to many Courts, through their Ministers at this, our residence here, in order to enter into negotiations with such, as shall judge convenient to transmit full powers to treat with us. So that, however desirous we might be, of showing our respect to the Court of Madrid by repairing thither, it will be difficult for us to leave this place, until we shall have finished the business already begun which may take up much time. We therefore hope, that considering the peculiarity of the circumstances, the Court of Madrid may find it convenient to make this case an exception to their general rule.

With great respect, &c.

JOHN ADAMS.

BENJAMIN FRANKLIN.

THOS. JEFFERSON.



FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, near Paris, October 28, 1784.

My Lord Duke,

The United States of America, in Congress assembled, judging that an intercourse between the subjects of his Britannic Majesty and the citizens of the said States, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations,

on the twelfth day of May last, issued their commission, under the seal of the said States, to the subscribers, as their Ministers Plenipotentiaries, giving them, or the majority of them, full power and authority for them, the said States, and in their name to confer, treat and negotiate with the Ambassador, Minister or Commissioner of his said Britannic Majesty, vested with full powers, of and concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the said United States, in Congress assembled, for their final ratification.

Of the receipt of these powers, and of our being ready to enter on the execution of them, we gave information to Mr. Hartley, who had been appointed on the part of his Britannic Majesty, to treat on the same subjects, with the Ministers of the United States, and we received through him assurances from his Court "of their ready and friendly disposition to receive propositions from the United States, for the forming such regulations as might tend to the mutual and reciprocal advantage of both countries," the subsequent return of this Minister to London renders it proper for us to repeat to your Excellency the communications, to express to you the satisfaction with which we have received assurances of the friendly disposition of the Court of London, and to inform you that we shall be ready to make proposals on our part, so soon as they shall be pleased to advise us of the person to whom they would choose to have them addressed.

With great respect, &c.

JOHN ADAMS,

B. FRANKLIN,

THOS. JEFFERSON.

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FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Paris, October 28, 1784.

My Lord Duke,

While Mr. Hartley was here as Minister from the Court of Great Britain, we had the honor of mentioning to him, that we were instructed by the Congress to treat on some points distinct from any regulations of commerce. He communicated this to his Court and the very satisfactory answer which he received, and made to us of its good disposition and willingness to receive and consider any propositions, that might tend to promote and secure a good understanding between the two countries, confirm us in the opinion that those we have to make will be readily taken into consideration; for that purpose we now communicate them to your Excellency as follows:

In the preliminaries of peace between England and France, signed on the 20th of January, 1783, and acceded to the same day by the Ministers of the United States, the clause relative to captures is in these words, viz: "*Les vaisseaux et effets qui pourroient être pris dans La-Manche et dans les mers du Nord après l'espace de douze jours à compter depuis la ratification des présens articles préliminaires, seront de part et d'autre restitués. Le terme sera d'un mois depuis La Manche et les mers du Nord jusqu' aux Isles Canaries inclusivement, soit dans l'Océan, soit dans la Méditerranée, de deux mois depuis les dites Isles Canaries jusqu' a la ligne équinoctiale ou l'Equateur; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre description plus particulière de tems et de lieux.*" On this article some doubts have arisen, and

the final decision of sundry captures and questions of insurance have been suspended till those doubts should be obviated. This may be done, we think, by agreeing to insert the words *jusqu' a la latitude des Isles Canaries*, instead of *jusqu' aux Isles Canaries*: and also the words, *depuis la latitude des dites Isles Canaries* instead of *depuis les dites Isles Canaries*, it being apparent from the mention of the Mediterranean as in the same stage with the Canaries, and of the Equinoctial line as the next stage, that the line of latitude of the Canaries was intended.

The fourth article of the definitive treaty declares it to be agreed, that the creditors on either side shall meet with no legal impediment to the recovery of the full value in sterling money, of all *bona fide* debts heretofore contracted.

It is undoubtedly just that law should rather aid than impede the execution of *bona fide* contracts: but there are some unusual circumstances attending the English debts in America, contracted prior to the war, that seems to merit consideration; and to shew the reasonableness and utility of explaining and modifying that article by some provisions which we have to propose, that may make the collection of such debts more practicable, and more advantageous to the creditors, as well as debtors, than the methods that are otherwise likely to be pursued.

We have further to propose that provision should be speedily made for the satisfaction of the masters, whose negroes were carried away with other property, contrary to the express stipulations of the 7th article of the treaty; and further, we propose that measures be taken

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for liquidating the charges of prisoners of war on both sides, in order to the payment of the balances.

We apprehend that a fair, equitable and friendly discussion and adjustment of these matters may contribute much, to a future good understanding and amity between the two countries. With that view we have stated them, and shall hold ourselves ready to meet and confer thereon, with any Minister authorized by your Court for the purpose.

With great respect, &c.

JOHN ADAMS.

BENJAMIN FRANKLIN.

THOS. JEFFERSON.

FROM D. HUMPHREYS TO THE COMMISSIONERS.

Paris, October 30, 1784.

The Secretary of the Commission, by appointment, waited on the Duke of Dorset and delivered to him two letters from the American Ministers, dated the 28th inst.; whereupon, the British Ambassador desired Mr. Humphreys to inform the Ministers of the United States, "That being entirely unacquainted with the negotiations proposed through Mr. Hartley to the Court of London, he could say nothing on that subject, except that he would write concerning it to his Court. With respect to the explanations and arrangements, suggested in the other letter, (which he would also transmit) he did not doubt that whatever was equitable would be done; in the meantime, he wished the American Plenipotentiaries to be informed, that he would make them acquainted with

the result so soon as he should receive the necessary instructions." The foregoing is the purport of the verbal answer of the Duke of Dorset, according to the best of my recollection.

D. HUMPHREYS.

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, October 8, 1784.

Gentlemen,

I have lost no time in communicating to the King, my Master, the wishes of the United States of America, for the conclusion of the treaty of commerce and friendship, which you have made known to me in the letter you have honored me with, bearing date September 9. His Majesty having thought proper to furnish me with the full power requisite, to give the desired stability to the said treaty, I hasten to transmit to you a copy of this instrument.

I shall ever remember, with the greatest satisfaction, the part I have had the good fortune to bear in the formation of those bonds, which are to connect the Prussian nation with the United States of America.

It appears to be needless to send you a copy of the treaty of commerce in question, which has been the object of the united labors of Mr. Adams and myself, as I have no doubt that Mr. Adams has kept the draft which I have seen in his hands. I shall make it my duty to hasten the conclusion of this negotiation, and I flatter myself, gentlemen, that you will have the goodness to

communicate your ideas to me, on the manner in which you desire to proceed.

The King will be pleased to know what city has been selected by the United States, for the exchange of commerce between the merchants of the two nations. Stettin and Embden, both Prussian sea ports, or some port of France or Holland, would answer the object.

I have the honor to be, with the most distinguished consideration, &c.

DE THULEMEIER.



Full power to conclude a treaty of commerce and friendship between Prussia and the United States, conferred by the King of Prussia upon M. de Thulemeier.

WE, Frederick, by the Grace of God, King of Prussia, Margrave of Brandenburg, Arch Chancellor and Electoral Prince of the Holy Roman Empire, Sovereign Duke of Silesia, Sovereign Prince of Orange, Neuf-Chatel, Vallengin and Glatz, Duke of Guelders, Magdeburg, Cleves, Juliers, Berg-Stettin, Pomerania, and of the Cassubians and Vandals, Duke of Mecklenburg and Crosne, Burgrave of Nuremberg, Prince of Halberstadt, Minden, Camin, Vandalia, Schwerin, Ralzeburg, East Friesland and Meurs, Count of Hohenzollern, Ruppin, the Mark of Ravensperg, Hohenstein, Tecklenburg, Schwerin, Lingen, Buren and Lierdam, Lord of Ravenstein, Rostock, Stargard, Lauenburg, Butau, Artag and Breda, &c. &c.—make known to all whom it may concern :

That it being our intention to enter into a treaty of friendship and commerce with the United States of North America, for the benefit of the inhabitants of the respective countries, We have charged and authorized M. de Thulemeier, our Privy Counsellor and Envoy Extraordinary near the Republic of the United Provinces of the Netherlands, and do by these presents, confer on him full power, to negotiate and treat for that purpose, with such person or persons as may be furnished with a like full power on the part of the United States of North America; and to conclude and sign in our name, the treaty of friendship and commerce on which they may agree, and which we shall not fail to ratify and to fulfil religiously in all points.

In virtue whereof, we have signed this full power with our hand, and affixed thereto our royal seal.

Given at Berlin, this thirtieth day of September, one thousand seven hundred and eighty-four.

FREDERICK.
Finckenstein, Hertsberg.

In consequence of these communications, the following draft of a treaty was enclosed to the Baron de Thulemeier, in a letter which succeeds the said project.

COUNTER PROJECT of a treaty of amity and commerce between his Majesty the King of Prussia and the United States of America.

The parties being willing to fix in a permanent and equitable manner, the rules to be observed in the commerce they desire to establish between their respective

countries, have judged that the said end cannot be better obtained, than by taking the most perfect equality and reciprocity, for the basis of their agreement. On these principles, after mature deliberation, they have agreed to the following articles :

ARTICLE I. There shall be a firm, inviolable and universal peace, and sincere friendship between his Majesty the King of Prussia, his heirs, successors and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

ARTICLE II. The subjects of his Majesty the King of Prussia, may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures and merchandize, and shall pay within the said United States no other or greater duties, charges or fees whatsoever, than the most favored nations are, or shall be obliged to pay ; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy.

ARTICLE III. In like manner the citizens of the United States of America may frequent all the coasts and countries of his Majesty the King of Prussia, and reside and trade there, in all sorts of produce, manufactures and merchandize, and shall pay in the dominions of his said Majesty, no other or greater duties, charges or fees, whatsoever, than the most favored nation is, or shall be obliged to pay, and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which the most favored nation does, or shall enjoy.

ARTICLE IV. More especially each party shall have a right to carry their own produce, manufactures and merchandize, in their own vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them, and thence to take the produce, manufactures and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases, such duties, charges and fees only, as are or shall be paid by the most favored nation.

ARTICLE V. All merchants, commanders of vessels and other subjects and citizens of each party, shall have free liberty in all places within the dominion or jurisdiction of the other, to manage their own business themselves, or to employ whomsoever they please to manage the whole or any part thereof for them; and shall not be obliged to make use of any interpreter, broker or other person whatsoever, nor to pay them any salary or fees, unless they choose to make use of them. Moreover, they shall not be obliged in loading or unloading their vessels, to make use of those workmen who may be appointed by public authority for that purpose, but it shall be entirely free for them to load or unload them by themselves, or to make use of such persons in loading or unloading them as they shall think fit, without paying any fees or salary to any other whomsoever: neither shall they be forced to unload any sort of merchandize into any vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE VI. That the vessels of either party loading within the ports and jurisdiction of the other, may not be uselessly harrassed or detained, it is agreed that all ex-

aminations of goods required by the laws shall be made, before they are laden on board the vessels, and that there shall be no examination after, nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely, and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land, in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause.

ARTICLE VII. Each party shall endeavor by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII. The vessels of the subjects or citizens of either party coming on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, shall have liberty to depart and pursue their voyage without molestation, and without being obliged to pay any duties, charges or fees whatsoever, or to render any account of their cargo.

ARTICLE IX. When any vessel of either party shall be wrecked, foundered or otherwise damaged on the coast or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country

where the damage happens, and shall pay the same charges and dues only, as the said inhabitants would be subject to pay in a like case, and if the operations of repair shall require that the whole, or any part of the cargo shall be unloaded, they shall pay no duties, charges or fees, on the part which they shall relade and carry away.

ARTICLE X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases; and in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if a question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and Judges of the land wherein the said goods are, and where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the said land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds, without molestation.

ARTICLE XI. The most perfect freedom of conscience

and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die, within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violence or disturbance.

ARTICLE XII. If one of the contracting parties should be engaged in a war with any other power, the free intercourse and commerce of the subjects or citizens of the part remaining neutral, with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports, and on the coast of the belligerent parties, free vessels, making free goods, insomuch that all things shall be adjudged free, which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other. And the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy. On the other hand, enemy vessels shall make enemy goods, insomuch that whatever shall be found in the vessels of an enemy, shall be confiscated without distinction, except such goods and merchandize, as were put on board such vessel before the declaration of war, or within six months after it, which shall be free.

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstand-

ings that shall arise respecting the merchandize heretofore called contraband, such as arms, amunition and military stores of every kind; no such articles, carried in the vessels, or by the subjects or citizens of one of the parties, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination.

ARTICLE XIV. And in the same case, where one of the parties is engaged in war with another power, that the vessels of the neutral powers may be readily and certainly known, it is agreed that they shall be provided with sea letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties) whenever occasion shall require, shall be renewed as often as the vessel shall return into port, and shall be exhibited whenever required, as well in the open sea as in port; but if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel

belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE XV. And to prevent all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea letters or passports; and all persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever, the people, vessel, or effects of the other party, shall be responsible in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels, before they are commissioned.

ARTICLE XVI. It is agreed, that the subjects or citizens of each of the contracting parties, their vessels and effects, shall be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatsoever, and in all cases of seizure, detention or arrest, for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of the law only, and according to the regular course of proceedings usual in such cases.

ARTICLE XVII. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the other, they shall be brought

into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ARTICLE XVIII. If the citizens or subjects of either party, in danger from tempests, pirates or other accidents, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices, with all refreshments, provisions and other things necessary for their subsistence, health and accomodation, and for the repair of their vessels.

ARTICLE XIX. The vessels of war, public and private of both parties, shall carry freely wheresoever they please the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched or put under legal process, when they come to and enter the ports of the other party, but may be freely carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessels shall be obliged to show; but no vessel which shall have made prizes on the subjects of his most Christian Majesty, the King of France, shall have a right of asylum in the ports or havens of the said United States: and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible according to the tenor of the treaties existing between his said most Christian Majesty, and the said United States.

ARTICLE XX. No citizen or subject of either of the contracting parties shall take from any power, with which the other may be at war, any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate. Nor shall either party here lend or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ARTICLE XXI. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them: 1st. if a vessel of one of the parties retaken by a privateer of the other shall not have been in possession of the enemy more than twenty four hours, she shall be restored to the first owner, for one third of the value of the vessel and cargo: but if she shall have been more than twenty four hours in possession of the enemy, she shall belong wholly to the recaptors. 2nd. If in the same case, the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one 30th part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty four hours: and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3rd. The restitution in the cases aforesaid shall be after due proof of property and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public or private of the two parties shall be reciprocally admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until there legality shall have been decided according to the laws and regu-

lations of the State to which the captors belong. 5th. It shall be free to each party, to make such regulations as they judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

ARTICLE XXII. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection, the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII. If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying all of their effects without molestation or hindrance, and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages or places, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchant and trad-

ing vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life, more easy to be obtained and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission, to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce.

ARTICLE XXIV. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other, into the East Indies, or any other parts of Asia or Africa; but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prisonships, or prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; but the officers shall be enlarged on their paroles, within convenient districts, and have comfortable quarters; and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy, and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind, or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them, with such ration as they

allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against, any other, nor the balance due on them be withheld as a satisfaction or reprisal for any other article or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever necessaries may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officers, or other prisoners, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed, as the most acknowledged articles in the law of nature and nations.

ARTICLE XXV. The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement, whenever either party shall choose to make such appointment.

ARTICLE XXVI. If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the compensation where such nation does the same.

ARTICLE XXVII. His Majesty the King of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of — years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty, which shall re-establish peace, and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.



Report of John Jay, on a plan of a treaty of amity and commerce.

Office for Foreign Affairs, }
May 17, 1785. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the draft of a treaty of amity and commerce, transmitted by the American Ministers, report :

That, in his opinion, a system for regulating the trade of the United States, should be formed and adopted, before they enter into further treaties of commerce. It appearing to him more wise that such treaties should be

accommodated to their system, than that their system should be accommodated to such treaties.

That in forming this system many important questions will arise, such as whether American exports shall be wholly, or how far confined to American bottoms, whether any and what distinction shall be made in that respect between the vessels of one foreign nation and another, whether American exports, to whatever nation bound, shall be charged with any or the same, or what different duties; whether all foreign merchandizes, by whatever nation imported, shall be charged with the same imposts; whether any, and which species or denomination of foreign productions or manufactures shall be prohibited. These, and other questions of the like nature, will probably arise, and these treaties will anticipate, if not embarrass the discussion and decision of some of them.

As to the draft of a treaty referred to him, he thinks the policy of some of the articles in it questionable.

I. It appears to him inexpedient to make the conduct of the parties towards the most favored nations, the rule of their conduct towards each other:

(1) Because, as other nations have regulated their trade, and we not, their systems cannot be deranged by it, but it may much perplex the formation of ours.

(2) Because the interchange of favors between us and a nation *merely European*, will probably be regulated by principles and considerations distinct in a certain degree, from those which should regulate such an interchange between us, and nations *partly European and partly American*.

(3) Because it may give occasion to difficulties and disputes not easily to be settled.

(4) Because the inducement to those favors may arise from advantages not in the power of the other to afford *in kind*, and the twenty-sixth article does not provide for an *equivalent* consideration, where it is not in the power of the party to grant a *similar* one. Besides, considerations may be exactly similar *in kind*, and yet very different in *value*, and the article in question does not seem to attend to that circumstance.

(5) Because we may have reasons for *freely* granting to one nation, what we may have no reason to grant to another.

(6) Because, as our trade is at present free to all, we have few *favors* to grant to any; whereas, their trade being charged with various duties and restrictions, they need only relax to have favors to grant.

He thinks it would be better, therefore, to let each party stand alone, without reference to, or connexion with, any other.

II. Your Secretary doubts the expediency of agreeing absolutely that any foreign nation shall be at liberty to bring and vend in the United States, all or any of their productions and manufactures *without exception*. Because it may be necessary, either for the purpose of checking the progress of luxury, or for the purpose of promoting our own manufactures, to *prohibit* the importation of certain merchandizes.

He thinks it a mistake that high duties can answer the purpose of a prohibition; because, if the obnoxious articles are permitted to be entered at all, it will be impossible always to decide whether their importation was *regular* or *clandestine*.

These objections cannot have equal force with other

nations in their connexions with us, because we have little or nothing to carry to them, which could either injure their manufactories or increase their luxury.

III. Your Secretary has doubts respecting the sixteenth article, which suspends laying embargoes.

To an European nation, at war with an European nation, embargoes are of little consequence, because surrounding nations can and will supply to each party whatever they may want. But an European nation at war with us, can by means of neutral vessels obtain great supplies from us, which under certain circumstances, and in particular emergencies, they could not easily acquire elsewhere.

Your Secretary is of opinion, that the duration of these treaties should be very limited, because the increasing importance, as well as the increasing experience of the United States will almost from year to year increase their capacity of making such connexions and compacts more and more correspondent to their views and wishes.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THE COMMISSIONERS TO BARON THULEMEIER.

Passy, November 10, 1784.

Sir,

We received the letter your Excellency did us the honor of writing to us the 8th ultimo, together with the copy of your full power to treat with us. Mr. Adams had, as you suppose, preserved a copy of the project of

a treaty that had been concerted between your Excellency and him, but having, by instructions from the Congress, our Sovereign, certain new articles to propose in all our treaties with European powers, which articles, if agreed to, would render some of those heretofore in use unnecessary, and judging also that some change in the order, by bringing together what relates to the same subject, would render the whole more clear, we have made a new draft of the project, adding the new articles, and send it herewith for your consideration.

Those new articles are the 13th and the 23rd. The first contains its own reasons, to wit: the prevention of difficulties and misunderstandings heretofore constantly arising with regard to merchandize called contraband in time of war. In support of the other, we offer a few reasons contained in a separate paper, to which we shall only add here, that the article being in favor of humanity, by softening and diminishing the calamities of war, we think it will be honorable to the first powers who agree to it, and more particularly to his Majesty the King of Prussia—if he, whose subjects are known to be so well defended by his power and abilities, as to make the stipulation of any favor for them during the war unnecessary should be the foremost in setting the example of agreeing to such an article. The part too, which engages not to commission privateers, nor make prize of merchant ships, will, we think, show the disinterestedness of the United States, since their situation is suited to prey with ease on the rich commerce of Europe with the West Indies, which must pass before their doors; while their own, consisting of lumber and provisions, is of so little value, as that the loss in that kind of war, is vastly in-

ferior to the profit, which was demonstrated in their late contest with Britain, whose mighty fleets were insufficient to protect their trade, from the depredations of a people as able and as expert seamen as themselves.

With regard to the manner of conducting this negotiation, we think it may continue to be by letters, till the articles are agreed on; after which, as the many affairs we have on hand make it inconvenient for us to leave Paris, we shall be glad to receive you here, or if that should not be suitable for you, to meet you in any intermediate place that you may nominate.

We send herewith the copy of our commission, and we are, with respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



Reasons in support of the new proposed articles in the treaties of commerce transmitted to the Baron de Thulemeier in the letter addressed to him November 10, 1784, and enclosed with a copy of the said letter to Congress the next day.

By the original law of nations, war and extirpation were the punishment of injury; humanizing by degrees, it admitted slavery instead of death; a farther step was, the exchange of prisoners instead of slavery; another to respect more the property of private persons under conquest, and be content with acquired dominion. Why should not this law of nations go on improving? Ages have intervened between its several steps: but as know-

ledge of late increases rapidly, why should not those steps be quickened, why should it not be agreed to as the future law of nations, that in any war hereafter, the following descriptions of men should be undisturbed, have the protection of both sides, and be permitted to follow their employments in surety, viz ;

1st. Cultivators of the earth, because they labor for the subsistence of mankind.

2nd. Fishermen, for the same reason.

3rd. Merchants and traders in unarmed ships, who accommodate different nations by communicating and exchanging the necessaries and conveniences of life.

4th. Artists and mechanics inhabiting and working in open towns.

It is hardly necessary to add that the hospitals of enemies should be unmolested ; they ought to be assisted.

It is for the interest of humanity in general, that the occasions of war and the inducements to it, should be diminished.

If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting.

The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it, or to the nation that authorizes it. In the beginning of a war, some rich ships, not upon their guard, are surprised and taken ; this encourages the first adventurers to fit out more armed vessels, and many others to do the same, but the enemy, at the same time, become more careful, arm their merchant ships better and render them not so

easy to be taken; they go also more under the protection of convoys: thus while the privateers to take them are multiplied, the vessels subject to be taken, and the chances of profit are diminished, so that many cruises are made, wherein the expenses overgo the gains, as it is the case in other lotteries; though individuals have got prizes, the mass of adventurers are losers, the whole expense of fitting out all the privateers during a war, being much greater than the whole amount of goods taken. Then there is the national loss of all the labor of so many men, during the time they have been employed in robbing: who besides spend what they get in riot, drunkenness, debauchery, lose their habits of industry, are rarely fit for any sober business after a peace, and serve only to increase the number of highwaymen and house breakers. Even the undertakers who have been fortunate, are by sudden wealth led into expensive living, the habit of which continues when the means of supporting it cease, and finally ruins them. A just punishment for their having wantonly and unfeelingly ruined many honest innocent traders and their families, whose substance was employed in serving the common interests of mankind.



FIRST REPORT OF THE COMMISSIONERS TO CONGRESS.

. Paris, November 11, 1784.

Sir,

Having assembled together at this place about the latter end of August, we proceeded, in obedience to the commands of Congress, to notify our appointment and its objects to such powers as we thought it advisable at that time to address.

We wrote a circular letter in the form No. 1, to the Ambassadors or other Ministers residing here from the Courts of Saxony, the two Sicilies, Sardinia, Venice, Tuscany, Russia, and Rome. Copies of the answers from those of Saxony, the two Sicilies, Sardinia, Venice, Tuscany, are contained in the enclosed papers No. 2, 3, 4, 5 and 6. The Minister of Russia answered verbally to Colonel Humphreys, who delivered the letter, "that he would transmit it to his Court." From the Nuncio of the Pope we have received no answer, either written or verbal. Our letter to him was dated September 22d.

Our letter to the Ambassador of Spain was in the same form; his answer, a translation of it, and our reply, is contained in No. 7, 8 and 9.

A project of a treaty having been before concerted with the Court of Lisbon, a small alteration in the form of our general letter, as noted in No. 1, adapted it to that circumstance. No. 10 is a copy of the answer of their Ambassador.

A like circumstance with the Court of Berlin, rendered a letter in the same form proper for that; but as that negotiation had began with the Baron de Thulemeier, their Envoy at the Hague, we thought it proper that our letter proposing a continuation of it, should be addressed to him and not to the Minister here. No. 11 is a copy of his answer, and No. 12 of our reply.

Our commission to Sweden, and instructions accompanying it, proposing a supplementary treaty to that power, we addressed a letter, of which No. 13 is a copy, to the Swedish Ambassador here. No. 14 is his answer, and No. 15 our verbal communication in consequence of it.

Doctor Franklin having had occasion to write to the Imperial Minister, after his receipt of the new instructions, but before our meeting, had taken that opportunity of notifying to him the commission, with which we were honored for that Court. A copy of his answer will be found in No. 16.

A letter from the Minister of Genoa, of which No. 17 is a copy, addressed to Doctor Franklin and received before we had sent out our general letters, furnished a like occasion of notifying our powers to him; which Doctor Franklin did in a letter, of which No. 18 is a copy.

To the Court of Versailles we announced our commission verbally, shewed the original, and left a copy with the Count de Vergennes, from whom we received a verbal answer, "that he would always be ready to enter on negotiations and receive propositions which might be of mutual advantage and tend to cement the union and increase the harmony which prevailed between the two nations."

A project of a treaty between the United States and Denmark, had before been communicated to Congress. Baron de Walterstorff, the person with whom this had been concerted, was still here expecting that powers would be sent from Congress to conclude it. He was himself furnished with a letter from his Minister, authorizing him to take the measures which had been taken, and assuring him of regular powers as soon as those on our part should arrive to him; therefore, we notified verbally that we were furnished with powers for concerting and concluding a treaty, and he assured us verbally he would immediately transmit our notification to his Court, and that we might rely on their sending corresponding powers.

Mr. Hartley had been sent here from the Court of London, with a Plenipotentiary commission for the perfecting and establishing peace, friendship and good understanding between the United States and the subjects of his Britannic Majesty, and for opening, promoting and rendering perpetual the mutual intercourse of trade and commerce between them; this commission had been regularly communicated to our Ministers, at the time of concluding the definitive treaty of peace, and had been in part executed by the actual signature of that treaty. The second part, however, for opening, promoting and rendering perpetual a mutual intercourse of trade and commerce, remaining unexecuted, for want of proper powers from the United States, that Minister had continued here. On the 31st of August we notified to him verbally, that we were furnished with powers for entering into a treaty of amity and commerce with his nation. He answered verbally also, "that he would immediately communicate it to his Court, and that he did not doubt that his Majesty's Government would at all times be ready to concur in the forming such a system, as may fully answer every purpose of commercial as well as political advantage to the two countries, and fix and establish a permanent and beneficial intercourse between them." Some time after this he asked a meeting with us at Passy, at which he informed us, that he had communicated our notification to his Court, and had received a letter in answer, in which was a clause to this effect: you may with great truth assure the American Ministers of our ready and friendly disposition to receive any proposals, from the United States, for the forming such regulations as may tend to the mutual and reciprocal advantage of both countries; he informs us at the same time,

however, that he was ordered to return to London, which he accordingly did in a few days. This official answer had been given us on the 16th September, and having waited a sufficient time to have heard further from him after his return, and receiving nothing further, we wrote on the 28th of October two letters to the Duke of Dorset, the British Ambassador at this Court, of which No. 19 and 20 are copies. On the receipt of which he desired Colonel Humphreys, who delivered them, to inform us, that being entirely unacquainted with the negotiations proposed through Mr. Hartley to the Court of London, he could say nothing on that subject, except that he would write concerning it to his Court; with respect to the explanations and arrangements suggested in the other letter (which he would also transmit) he did not doubt, but that every thing which was equitable would be done, and in the meantime he wished us to be informed that he would make us acquainted with the result as soon as he should receive the necessary instructions."

We have not yet communicated our powers or propositions to Hamburg or the United Netherlands. From the former there is at present no public Minister here, and when communicated to the latter, we knew that from the States General they would be carried to the regencies of the several States, and from these again to their several towns, so that their publication would be inevitable. We thought it better that this should not take place, till they should have been discussed and concluded, with those nations whose system of negotiation is more private.

To the Porte, the Emperor of Morocco and the regencies of Algiers, Tunis and Tripoli, no communica-

tions have been made. Treaties with these powers are formed under very peculiar circumstances; not only the expenses of the negotiations on their part, are to be borne by the other negotiating power, but great presents and an annual tribute are requisite with some of them. The contributions under which they thus lay the powers of Europe, are as heavy as they are degrading. We feel for our country under both these points of view, and as we cannot proceed at all till the money necessary is actually ready at our command, we have thought it proper to give this information to Congress; we wish it was in our power to conjecture the sums which might be necessary, and have endeavored to learn what is given by the European powers, as we might thence form some estimate what would be required from us. As yet we have been unable to obtain this information, and we know not what measures to suggest should Congress determine to proceed in these treaties, other than to limit us to some ultimate sum, to place that actually at our command, and to rely on our assurances that we shall use our best endeavors to reduce the contributions as far below this as shall be in our power. Presents or war is their usual alternative; should Congress however determine against the first, they might perhaps think it proper that some intelligent person should be sent, to make himself acquainted with the wants of those States, and to know whether we could not offer to them such a commercial intercourse, as might make an equal treaty acceptable.

We have made to the Count de Vergennes the communications directed by our instructions of May 11th, 1784, as to the claim of the five Fosters, brothers, for the prize of their vessel, the Three Friends, and have receiv-

ed no answer on the subject; from which circumstance we hope that the Court is satisfied as to that article.

A letter received from the Count de Vergennes, and another from Monsieur Grand to Dr. Franklin, of which No. 21 and 22 are copies, give us reason to apprehend an uneasiness in this Court, lest we should fail not only in the punctual payment of the interest, on their particular loans, but should permit the payment on the Dutch loan, which this Court guaranteed, to fall in the first instance on them: this circumstance under the present probability of a war in Europe might be really inconvenient to them, and give unfavorable ideas of the sense we entertain of their past favors. Congress will know whether measures have been taken to make timely payments here, and they can best judge of what exertions the States are capable, for reducing their foreign debt even faster than their stipulations require. A hearty disposition in the people goes far towards making them equal to whatever it is their duty and interest to do, and we cannot help supposing, that if our countrymen would boldly look that part of their foreign debt in the face, which they have a right to discharge, if they would view it and view themselves, they would find they could master it, perhaps with a single effort. Of this we can assure them; that nothing would produce such a revolution in the opinion entertained in Europe of their powers, of their justice, and of the tone of their government. If a reputation for equity and gratitude, if a demonstration of our resources and of our resolution, if the subjection of the riches of Europe to our wishes, on any future emergency, may be bought at half a guinea a head, cannot our countrymen be roused to make the purchase? Add to this, that it

would command for us a respect, which might save us in the end millions of money and torrents of blood. Congress, we hope, will pardon us these reflections; we are on a field, where every circumstance tends to produce them.

Our instruction as to gratification and indemnification to John Baptist Pequet, has not yet been complied with. Mr. Grand's letter will assign the reason.

The honor of our country, as well as our own feelings, will not permit us to pass unnoticed, that we are now depending for daily subsistence on the bounty of a subject of this kingdom, a bounty to which he tells us in his letter, "*qu'il sera forcé mettre des bornes.*" We trust that Congress will be so good as to order us effectual and instantaneous relief from this situation.

We are to acknowledge the receipt of two letters from the committee of the States, the one dated July 16, the other August 13. This covered the British roll of one hundred forty-two men, ninety women, and fifty-four children, negroes, part admitted to be slaves, and a part said to be free, which were carried from New York at the time of the evacuation; the only voucher we have yet received in support of that article in our instructions, which respects this subject. The former contained papers on the subject of the brig l'Aimable Elizabeth, scuttled and abandoned by her master and crew, while in company with captain Shewel from Philadelphia, taken possession of by him, sent into Newfoundland under the care of his second lieutenant, John Justice, where she is said to have been seized and disposed of without trial or condemnation, by a Nicholas Gill, Commissary and Judge of the Vice Admiralty there. The circumstance of scut-

ting the vessel awakening suspicion, (as it is difficult to assign an honest reason for it) and the brig having gone from L'Orient, and the master and crew returned thither with captain Shewel, we desired Mr. Barclay to procure what testimony he could on the subject and communicate it to us. He has sent us the protests of both the French and American masters, and it is a little remarkable that the French captain makes no mention, of the American one having taken possession of the vessel and put men on board of her, and expressly supposes she sunk that night; and that captain Shewel is equally silent as to the same circumstance of his having manned her. Mr. Barclay is still engaged in searching into this matter, and as the investigation will take some little time, we submit, in the meanwhile, some other considerations to the wisdom of Congress—because it is of importance to the character of a nation to, make no demands on another, which cannot be substantially supported. If there was no judiciary trial or condemnation, as the papers suppose, this seems to have been a trespass in Nicholas Gill, committed within the jurisdiction of the British courts, and remediable by a common action at law, which does not seem to have been denied to, or demanded by the sufferer. If there were a judiciary condemnation, yet it was in an inferior court, from which an appeal might have been demanded to a higher court, where the presumption always is that the injustice would have been redressed. Persons who go into a foreign country, submit themselves to the laws of that country, and in every civilized nation its courts are open to redress any injury they may receive. It is not till they shall have tried these courts through all their possible stages—till they shall have been denied redress by them,

and that too against palpable justice, that it is usual for their own sovereign to take it up, and make it a cause of national complaint. Nations would keep each other in a constant state of irritation, and much oftener proceed further, were every private dispute between their citizens to be taken up by their Sovereign in the first instance. Congress will be pleased to determine whether these considerations have weight enough to induce them to suspend our application to the British Court, in this case, till their pleasure shall be further signified to us.

With great respect, we have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



Immediately after despatching the preceding letter to Congress, the Plenipotentiaries received by the hand of the Secretary to the Portuguese Embassy, the following

Copy of a letter from Monsieur de Sa, dated at Queluz, the 24th October, 1784, to M. de Souza.

In consequence of what the agents of the United States of America have written to your Excellency, you can assure them that her most Faithful Majesty will be much pleased to have a better correspondence with the United States. It is her wish that their agents explain themselves and make known the intentions of Congress, in order that your Excellency may communicate to your Court, which will listen to them with much attention.

FROM THE COMMISSIONERS TO COUNT DE SOUZA.

Passy, November 30, 1784.

Sir,

We have received the extract of the letter from M. de Sa of the 24th October, 1784, which your Excellency was pleased to send us by the hand of the Secretary of your legation.

That in consequence of our letter, your Excellency might assure us that her most Faithful Majesty will be very glad to have the best correspondence with the United States, and that we may explain to your Excellency, the intentions of Congress, to be communicated to your Court, who will listen to them with much attention.

Conformably to the desires of her most Faithful Majesty expressed in this extract of the letter of her Minister, we have the honor to enclose a draught* of a project of a treaty of amity and commerce to be concluded between the two powers, if this project should be approved by her Majesty, and a full power should be sent to your Excellency to conclude, we are ready to sign such a treaty on the part of the United States; if your Court have any objections or alterations to propose, we shall give them all the attention and consideration consistent with the views of our constituents.

With great respect, &c.

JOHN ADAMS,

B. FRANKLIN,

THOS. JEFFERSON.

*The draught of the treaty was the same as that enclosed to the Baron de Thulemeier. Vide page 219.

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FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Paris, November 16, 1784.

Gentlemen,

I have not failed to transmit to my Court, the letter with which you honored me on the 30th September last, relative to a treaty of amity and commerce, between the subjects of my master the Arch-duke, Grand Duke of Tuscany, and the citizens of the United States of America.

I have the honor to inform you, gentlemen, that the invitation has been very agreeable to his Royal Highness, and that he will receive with pleasure, the communication of propositions, and a plan upon which the agreement may be negotiated, in order that he may take them into consideration.

I have the honor to be, &c.

FAVI.

Chargé d'Affaires of Tuscany.

FROM THE COMMISSIONERS TO M. FAVI.

Passy, December 9, 1784.

Sir,

We have received your letter of the 16th November, wherein you are pleased to inform us, that you had communicated to his royal Highness the Grand Duke of Tuscany, the overtures we had the honor of making, for the establishment of a treaty of amity and commerce, between the subjects of his royal Highness and the citizens

of the United States of America, that these were agreeable to him, and that our propositions on this subject would be received with pleasure, and taken into consideration.

We have now the honor of enclosing to you, for the consideration of your Court, a plan of such a treaty of amity and commerce as we shall be ready to sign, if it shall meet their approbation. We flatter ourselves they will find it founded on those principles of equal right, which are the surest guardians of every treaty, and calculated to promote the interest of humanity in general. We shall receive, with great respect and attention, any amendments which may be proposed, and concur cheerfully in accommodating it more perfectly to the true interests of commerce and happiness of the two nations, well knowing that we cannot better gratify the wishes of our constituents, and the respect which they entertain for his royal Highness, than by opening a liberal and friendly intercourse between his subjects and them.

With great respect, we have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

Paris, November 24, 1784.

Gentlemen,

I have transmitted, without loss of time, to the Marquis of Carmarthen, his Majesty's Secretary of State for Foreign Affairs, copies of the two letters which you had done me the honor of addressing to me, and am in con-

sequence authorized to assure you, on the part of his Majesty's Ministers, of their readiness to take into consideration any proposals coming from the United States, that can tend to the establishing a system of mutual and permanent advantage to the two countries; for the more ready accomplishment of which, I am instructed to notify you, gentlemen, the previous stipulation proposed by my Court, that the United States should send a person properly authorized, and invested with the necessary powers, to London, as more suitable to the dignity of either power, than would be the carrying on at any third place, negotiation of so great importance.

I have not yet received any instructions upon the subject of your letter stating certain propositions in regard to particular articles of the preliminaries of peace, between England and France, signed on the 20th of January, 1783, and acceded to by the Ministers of the United States; but I have every reason to believe that a full and candid discussion of those points will be entered into by my Court, with the sincere view, I can venture to say, of effecting a fair and equitable adjustment of the several matters offered for consideration, and from an earnest desire of promoting a friendly and confidential intercourse, between Great Britain and America.

I have the honor to be, with great truth, &c.

DORSET.

FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, December 9, 1784.

My Lord Duke,

We have received the letter which your Grace did us the honor of writing us on the 24th day of last month, and we receive with much satisfaction the assurances on the part of his Britannic Majesty's Ministers, of their readiness to take into consideration any proposals coming from the United States of America, that can tend to the establishing a system of mutual and permanent advantage to the two countries.

As to the previous stipulation proposed by your Court "that the United States should send a person properly authorized and invested with the necessary powers, to London, as more suitable to the dignity of either power, than would be carrying on in any third place a negotiation of so great importance," we can only say, that if by this proposition it is intended that the United States should send a public Minister to reside constantly at the Court of Great Britain, we are not authorized to answer it, but we shall transmit a copy of your Grace's letter to Congress, who will determine upon it according to their wisdom; but if it is intended only that the proposed negotiation should be conducted in London, we can inform your Grace and his Majesty's Minister's, that we have a full power, in due form, as Ministers Plenipotentiary to his Britannic Majesty, not only to treat, but conclude upon all the subjects in question, and although we have no apprehension that it is inconsistent with the dignity of the United States to treat in any third place, and although it would be inconvenient for us to leave Paris,

where we have already commenced negotiations with several other powers, for any long time, yet we are so desirous of showing a respect to the sentiments of your Court, that we would readily repair to London, as we are not limited by our commission nor instructions to any place.

We shall, therefore, wait for further information from your Grace, and from his Majesty's Ministers; and if it shall appear to be their desire to meet us in London, we shall do ourselves the honor of paying our respects to them in person, without loss of time.

With great respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

SECOND REPORT OF THE COMMISSIONERS TO CONGRESS.

Paris, December 15, 1784.

Sir,

In our letter of November 11, we had the honor of laying before Congress a state of our proceedings till that date. As from that it would appear that the last communication had passed from us to the other parties, we can now only add the answers of such of them as have yet answered, and our replies; these are the Courts of Portugal, Tuscany and Great Britain. No. 1 is a copy of the communication from the Ambassador of Portugal to us. No. 2, a copy of our reply. No. 3, a copy of a draught of a treaty which we enclosed to him. No. 4, is a copy of a letter from the Chargé d'Affaires of

Tuscany, and No. 5, our answer, which enclosed a copy of the same draught of a treaty only changing the style of the other party. We must observe that the draught of a treaty which has accompanied our letter to Baron Thulemeier, the Prussian Minister at the Hague, which letter was enclosed in our last to Congress, but without the plan of the treaty, was verbatim the same with those to Portugal and Tuscany, with only a like change in the style of the other party. No. 6 is a copy of a letter to us from the British Ambassador here, and No. 7, of our reply.

We received information from the public papers that an American vessel, which had just sailed from Cadiz, was captured on the 11th of October, by a frigate of the Emperor of Morocco, being one of the five which he had cruising in the ocean; and that she was carried into Tangiers on the 16th of October. This intelligence is confirmed in a letter from Mr. Carmichael, who adds that the vessel captured belonged to the State of Virginia. We think it our duty to mention this event to your Excellency, as it will show the necessity that immediate measures be taken, with the piratical states for the preservation of our trade to the Mediterranean, to Spain, and to Portugal, and perhaps to countries still more distant, as their vessels may extend their cruising grounds.

With the most perfect consideration and respect, we have the honor to be, &c.

JOHN ADAMS.

B. FRANKLIN.

THOS. JEFFERSON.

FROM M. DE SOUZA TO THE COMMISSIONERS.

Translation.

Paris, December 22, 1784.

Gentlemen,

I have received the letter you did me the honor to write, with the plan of a treaty which the United States of North America propose to the Queen, my Sovereign, all of which I transmitted to the Court of Lisbon.

I have the honor to be, &c.

DE SOUZA,
Ambassador of Portugal.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

The Hague, December 10, 1784.

Gentlemen,

The letter you have done me the honor to write to me, dated November 10th, reached me on the 26th of the same month, by a Dutch courier. I have transmitted to the King a French translation of the project of a treaty of commerce, to be concluded for the reciprocal advantages of the subjects of his Majesty, and of the citizens of the United States of America, to which the recent orders of Congress have compelled you to make some alterations, in opposition to the project I had the honor to place in the hands of Mr. Adams, on the 9th of April of the present year.

As soon as the orders from my Court reach me, I shall lose no time, gentlemen, in informing you of the observations which the King will think proper to make

on this new project. The twenty-third article is dictated by the purest zeal in favor of humanity. Nothing can be more just than your reflections on the noble disinterestedness of the United States of America. It is to be desired that these sublime sentiments may be adopted by all the maritime powers without any exceptions. The calamities of war will be much softened, and hostilities, often provoked by the cupidity and inordinate love of gain, of more rare occurrence.

Allow me, gentlemen, to bring to your recollection, the requisition which I had the honor to make to you in the last lines of my letter of 18th of October of the present year.

The King having expressed to me that he would learn with pleasure the choice which the United States might make of any city, for the exchange of commerce between the merchants of the two nations, I desired you, accordingly, to let me know your ideas on this subject. I added, that Stettin and Embden, both Prussian maritime places, or even some French or Dutch ports, might fulfil this object.

I have the honor to be, &c.

DE THULEMEIER.

FROM THE COMMISSIONERS TO BARON DE THULEMEIER.

Passy, January 21, 1785.

Sir,

We have received the letter you did us the honor to write us on the 10th day of December last.

We supposed that the principles contained in the project of a treaty, which we had the honor to transmit to you, were a virtual answer to the requisition in the last

lines of your letter of the 18th of October. By the second and third articles, the citizens and subjects of each power may frequent all coasts and countries of the other, and reside and trade there in all sorts of produce, manufactures or merchandizes, paying no greater duties than the most favored nation. By the fourth article, each party shall have a right to carry their own produce, manufactures and merchandizes in their own vessels, to any ports of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other party to purchase them; and thence to take the produce, manufactures and merchandize of that other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only as are, or shall be paid, by the most favored nation.

But if by a city for the commerce of exchange, between the merchants of the two nations, be meant a port more free than any intended in the said second, third or fourth articles; that is to say, a port absolutely free, from all duties and charges, or a port where merchandize may be landed and stored and afterwards re-embarked and exported, without paying any imposts or duties, we submit to your consideration whether it will not be for the interest of Prussia, that both Embden and Stettin at least, should be made such; however, should it be thought otherwise, and be still desired to elect one of the two ports, we should ask for time to communicate the proposition to Congress, and to receive their instructions thereon. We have the honor to be, &c.

JOHN ADAMS.

B. FRANKLIN.

THOS. JEFFERSON.

The Baron de Walterstorff having personally informed each of the American Ministers, that he had obtained permission to return to Copenhagen, and that he had it in charge to solicit such communications, as they should judge it might be useful to make, on the 1st February, 1785, announced the same officially in the following letter:

FROM M. WALTERSTORFF TO THE COMMISSIONERS.

Translation.

Paris, February 1, 1785.

Gentlemen,

Monsieur the Count de Bernstorff in communicating to me the permission of the King, to make a visit to Copenhagen, where my private affairs demand my presence at this time, has recommended that I should request of the American Ministers to be pleased to furnish me with such ideas, as they may judge useful to hasten the end we have in view. I have nothing so pressing on hand as the conveying to you the information of the little voyage I am about to make. I have even had the honor of seeing Messrs. Adams and Franklin, and I have now that of informing you, that I have fixed upon Friday next, as the day of my departure, if by that time, you can prepare the documents, with which I am to be entrusted. Permit me, gentlemen, in the meantime to assure you, that I shall always regard the having made your acquaintance, as one of the greatest advantages of my residence at Paris. I hope that events will be sufficiently favorable to my prayers, to find other occasions of cultivating it,

260 J. ADAMS, B. FRANKLIN, T. JEFFERSON.

and of repeating the assurances of my perfect attachment and the consideration with which, I have the honor to be, &c.

DE WALTERSTORFF.
Ambassador of Denmark.

FROM THOMAS JEFFERSON TO THE BARON DE WALTERSTORFF.

Paris, February 3, 1785.

Sir,

I had the honor of receiving yesterday the letter you were pleased to address to me, wherein you mention (as you had before done to Mr. Adams and Doctor Franklin) that the Count De Bernstorff, in communicating to you the permission of your Sovereign, to pay a visit to Copenhagen, had desired you to ask of the American Ministers their proposition, for forwarding the objects respecting the two nations; I immediately communicated your letter to Mr. Adams and Dr. Franklin, and in consequence thereof, have now the honor of enclosing to you the draft of a treaty of amity and commerce, in such form as we would wish to see established between our two Sovereigns. To emancipate commerce from the shackles which oppress it, to increase the general happiness, and lessen the miseries of mankind, are the objects of these propositions, and we flatter ourselves that the means proposed are founded in the most perfect equality and reciprocity of right. We shall attend with great respect to such improvements, as your Court may wish to make, for the furtherance of the same good objects.

I wish you a much pleasanter journey than the season and weather seem to promise, and shall at all times be happy to hear of your welfare, and to take every occasion of assuring you of the esteem with which I have the honor to be, &c.

THOS. JEFFERSON.

FROM MONSIEUR DE PIO TO THE COMMISSIONERS.

Translation.

Paris, January 22, 1785.

Gentlemen,

Having had the honor to placé your letter of the 27th September, 1784, before the King my master, and his Majesty having caused the propositions and offers contained in it in regard to the conclusion of a treaty of commerce and friendship with the United States, to be seriously examined, he has ordered me to declare to you, that nothing could be more agreeable to him, inasmuch, as he devotes all his cares to the increase of the internal and external commerce of his kingdom. It is with that view that his Majesty has lately opened and established Messina, on the Island of Sicily, as a free port, to which all nations are invited to resort, with full assurance that they will meet there a very favorable reception, and that they shall certainly enjoy there all kinds of privileges and immunities, as you will see by the annexed ordinance. I wish you, gentlemen, to consider well the advantages which your countrymen can derive by resorting to that port.

I am besides ordered, gentlemen, to make, in the name

of his Majesty, a formal declaration to you, that all merchant vessels under the flag of the United States, shall be received in Messina, with marks of the most sincere friendship, and that they will find there the greatest hospitality. That they shall also be treated with all possible consideration, in all the ports of his dominions; that they shall always find assistance, by being furnished with all they may want; and that they shall have the liberty to trade in the productions of their country, as well as their manufactured articles, and those of other nations.

Tobacco being the most important item of the commerce of the United States, as you have done me the honor to observe in one of our private conversations, I must give you notice, gentlemen, that this plant is now, in the States of the King, my Master, free from all the duties to which it was subjected. As to other productions, you shall have, not only the liberty to introduce them in his dominions, in as great quantities as may be wanted for the consumption of the Neopolitans; but you shall also have the privilege to import for the rest of Italy, for the East, and for any other countries, such quantity of goods as you may find advantageous for your speculations. You shall also have the same liberty and facilities to export, from the kingdom of Sicily, oil, wine, silks, and all other productions that Sicily can furnish you, and which can be useful or agreeable to you.

The King, my master, would not delay any longer to give you the most convincing proofs of the desire he has to form ties with the United States, and to show them by his good will, to begin as soon as possible a commerce advantageous to both nations; his Majesty reserving to himself the right to deliberate on the subject, and to take

such resolutions as may be necessary to conclude a treaty of commerce in all its forms, as you appear by your letter to desire.

During the time that may elapse before my Court can examine and consider seriously, the objects which are to be regulated in a treaty of this nature, I think, gentlemen, that it would be very advantageous to the Americans to begin now to frequent the ports of Sicily, and particularly that of Messina, for the purpose of establishing there, some relations of commerce which can be stipulated more precisely in the proposed treaty. Allow me, gentlemen, to observe to you, that to establish and to carry the operation of a new treaty of any extent, and in whatever country, it is not necessary that it be authorized by a previous treaty. It suffices that foreigners should be received there with friendly feelings and protected by the Government. As a proof of this, I will observe that all nations which trade the most with Sicily, such as England, France, Genoa, Venice, Ragusa, Hamburg, have no treaty of commerce with my Court; and although France has commenced a treaty with this nation, the French have not waited for the conclusion of it, to establish the most advantageous commerce.

I have the honor to be, with the most distinguished consideration, &c.

DE PIO.

Chargé d'Affaires of Naples.

FROM M. DE SCARNAFIS TO THE COMMISSIONERS.

Translation.

Paris, February 2, 1785.

Gentlemen,

Having communicated to my Court the letter which you did me the honor to write the 22nd October last, informing me that you were authorized on the part of the United States of America, to negotiate with his Majesty, the King of Sardinia, relative to the establishment of commerce between the two nations, I have now that of informing you that the King will be pleased to see the ships of the United States frequenting his free port of Nice, where they will always be well received; and if hereafter an opportunity should offer of forming commercial ties, which may be suitable and of reciprocal utility, he will make with the United States all the necessary arrangements, which will be necessary to ensure their stability.

I have the honor to be, &c.

DE SCARNAFIS,
Ambassador of Sardinia.



THIRD REPORT OF THE COMMISSIONERS TO CONGRESS.

Paris, February, 1785.

Sir,

In our last of December 15th, we had the honor of communicating to Congress, our letter to the Ambassador of Portugal, which accompanied the draught of a treaty of amity and commerce proposed on our part.

Since that date he addressed to us the letter No. 1, acknowledging the receipt of ours and informing us that he had forwarded it to his Court.

The Baron de Thulemeier also, the Prussian Minister at the Hague, has given us similar information in his letter No. 2, herewith enclosed. He therein also desires as he had done in his letter of October 8th. that we would make choice of some port within the dominions of his sovereign, at which the commerce between the two countries might be carried on. We supposed that we had answered this, by proposing in our draught of the treaty that all places in the dominions of either party should be open to the subjects or citizens of the other, for the purposes of commerce. As he thought proper however to repeat the desire of the King, that we would make choice of some place, we wrote him an answer of which No. 3 is a copy, and we have now to ask of Congress their instructions, as to the choice of a place, for the purposes proposed.

The Baron de Walterstorff who had been formerly appointed by the Court of Denmark to negotiate a treaty with the United States of America, and to whom we had notified our full powers for that purpose, called on us separately a few days ago, and informed us that he had obtained permission from his Court to make a visit to Copenhagen, where his private affairs required his presence, and that the Minister had at the same time instructed him to ask from us our propositions, that they might be considered during his stay at Copenhagen, and the sentiments of his Court thereon be fully made known to him. This he afterwards communicated more particularly in the letter No. 4, to which an answer was returned of

which No. 5 is a copy, enclosing a draught of a treaty similar to the one we had the honor to communicate to you in our letter of December 15.

We have also since our last received an answer from the Court of Naples through their Chargé d'Affaires and from that of Turin through their Ambassador at this Court, (the answer of Naples is accompanied by a printed ordinance establishing the privileges of Messina as a free port,) which we now enclose, distinguished by the Nos. 6 and 7; to these we do not propose to make any reply unless future overtures from them, or other circumstances should render it necessary or proper.

With great respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

Paris, February 8, 1785.

About this time came to hand through the French Post Office, *thirteen* large packets, all of them addressed "a Messieurs Messrs. Les députés des Etats Unis de l'Amerique a Paris," containing the minutes of the proceedings of the Court of Admiralty at the Cape, and the adjudications as legal prizes of an equal number of British vessels captured by armed vessels belonging to the United States of America, during the late war; which said prizes were ordered to be disposed of for the benefit of the captors, until it should be otherwise determined by the American Ministers at the Court of Versailles. Whereupon, the Ministers Plenipotentiary of

the United States have thought proper that the aforesaid papers should be deposited in the office of the Minister actually resident at that Court, which was done accordingly.

FROM MONSIEUR FAVI TO THE COMMISSIONERS.

Translation.

Paris, February 10, 1785.

Gentlemen,

In due season I transmitted to my Court the project of a treaty, which you did me the honor to address to me.

The principles upon which it is based, are too much in conformity with those of the Tuscan Government to prevent its adoption; you must not doubt, gentlemen, that the citizens of the United States of America will obtain, upon a footing of the most perfect reciprocity, all the facilities and advantages in the ports of Tuscany, which are accorded to the most favored nations.

As soon as an answer is received, I will do myself the honor of communicating it to you.

I have the honor to be, &c.

FAVI.

Chargé d'Affaires of Tuscany.

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, January 24, 1785.

Gentlemen,

The King, my master, having thought proper to authorize me to place in your hands some observations on

the counter project of the treaty of commerce, to be concluded for the reciprocal advantages of his subjects and the citizens of the United States, such as you did me the honor to address me, bearing date November 10th, ultimo, and brought to the Hague by a Dutch courier, the 26th of the same month, I hasten to fulfil the orders of his Majesty. An express, with despatches for the Ambassadors from Holland, furnishes me to day with a sure and prompt opportunity. The English language being familiar neither to the Prussian Chancery, nor to the King, nor his Ministry, it has become necessary that I should make a French translation, and to prove its exactness, I have caused it to be placed by the side of the annexed observations. I flatter myself, that these last, will appear to you, gentlemen, dictated by that spirit of justice, equity and humanity, which characterize all the proceedings of the Monarch, in whose service I have the honor to be. I shall, with the most lively zeal, employ myself in consolidating a negotiation, the issue of which cannot but be infinitely advantageous to both nations, and I have no doubt, but that the contents of the first letter with which you may honor me, will facilitate the means of terminating, in concert with you, gentlemen, the projected treaty.

I have the honor to be, &c.

DE THULEMEIER.

ANSWER OF THE COMMISSIONERS TO THE OBSERVATIONS
ON THE PROJECT OF A TREATY WITH PRUSSIA, TRANSMITTED BY BARON THULEMEIER.

Passy, March 14, 1785.

Sir,

We had the honor of receiving your letter of January 24, covering a translation into French of the draft of a treaty proposed between his Majesty the King of Prussia and the United States of America, together with answers to the several articles. We have considered them with attention, and with those dispositions to accommodate them to the wishes of his Majesty, which a respect for his character, and a desire of connecting the two nations in amity and commerce, would naturally produce. We will now take the liberty of troubling you with the result of our deliberations, article by article.

ARTICLE II. We agree to add the restriction proposed to the end of this clause, to wit: "submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the citizens of the United States and the citizens and subjects of the most favored nations."

ARTICLE III. Agreed to add a like clause, to wit: "submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the subjects of his Majesty the King of Prussia, and the subjects and citizens of the most favored nations."

ARTICLE IV. Three effects of this are objected to:

1st. The permission to export and import all the merchandize of either country without exception;

2d. The permission to ALL PERSONS to be buyers and sellers;

3d. The not extending, in express terms, the right of transportation beyond the vessels of the two contracting parties.

As to the first, we agree to make to the clause the addition proposed, to wit: "nevertheless, the King of Prussia and the United States, and each of them reserve to themselves the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of State shall require it, in this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the subjects or citizens of the other shall immediately enjoy the same liberty."

With respect to the second object, a permission to *all persons* to become buyers and sellers in this intercourse, it does indeed interfere with the practice of some nations of Europe, wherein the right of buying and selling particular articles of merchandize, is frequently given to particular persons or descriptions of persons exclusively. The origin of this practice is to be found in a very remote and unenlightened period, when religious physics and every other branch of science was sophisticated and abused, the progress of information and of liberal sentiment has led to reformations in those, and in this also seems to have matured principles which should produce a reformation equally wanted. Commerce performs the important office of procuring vent for superfluities, of supplying wants, and of adjusting prices on a reasonable scale. This it does best where it is freest. Casting an eye over the states of Europe we find them wealthy and populous,

nearly in proportion to the freedom of their commerce, and we may conclude from thence that were it perfectly free, they would probably attain the highest points of wealth and population of which their other circumstances would admit. A free competition between buyers and sellers is the most certain means of fixing the true worth of merchandize, on the other hand, the restraint of this right to particular persons, which constitutes a monopoly, has been found in experience the most powerful engine ever employed for the suffocation of commerce. It is interesting to both parties, therefore to guard against this in their stipulations. The law of Konigsberg, which prohibits a foreigner from selling his merchandize to any but native subjects, is a monopoly in a certain degree. It would rather seem desirable that foreigners should come into our ports and there transact together all their business of exchange. It is not for us to judge whether under actual circumstances, this law of Konigsberg is a proper object of reformation. His Prussian Majesty will decide this, who has already so much extended the limits of happiness for his subjects by the removal of other bars, to which time and habit had given their sanction. Should it be indispensable to save the force of this law, we would propose to retain the expressions in this article which give freedom to all buyers and sellers; but that at the end of the addition before agreed to, a further one should be made in this form, "nor shall this article derogate from the force of the laws of the city of Konigsberg which forbid traffic between foreigners within the limits of their jurisdiction." This will guard against monopoly so much of the field of commerce as is not already occupied by it. We wish however that in this article the word

“persons” should be substituted instead of the “subjects or citizens of that other” and again instead of “the said subjects or citizens.”

The third objection to this article is, that it does not extend the right of transportation beyond the vessels of the two countries. It was thought that the securing this right so far, was making a valuable step towards the freedom of intercourse. A right would remain to each party of refusing that privilege to vessels foreign to both; a right which probably would never be exercised, but in retaliation on any particular nation adopting that narrow principle. We abandon freely the reservation in its general form in pursuit of an object so valuable to mankind, as the total emancipation of commerce, and the bringing together all nations for a free intercommunication of happiness, and agree, after the words “in their own,” to insert “or any other,” but we still propose it for consideration, whether it will be expedient to either party to disarm itself entirely of the power of retaliating on any particular nation, which may restrain the loading of vessels to articles, of the growth or manufacture of the country to which they belong. Circumstances may be produced, which would render the retaliation essential to the honor and interests of the parties. We therefore propose, after the words “reserve to themselves the right,” in the amendment before agreed to, insert these “where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations, and also the right.”

This fourth article, with the several amendments which we have proposed or agreed to, will stand thus: More

especially, each party shall have a right to carry their own produce in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take the produce, manufactures and merchandize of the other, which all persons shall in like manner be free to sell them, paying in both cases such duties, charges and fees only as are or shall be paid by the most favored nation. Nevertheless, the King of Prussia and the United States, and each of them, reserves to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of State shall require it. In this case the subjects or citizens of either of the contracting parties, shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty, nor shall this article derogate from the laws of the city of Königsberg, which forbid traffic between foreigners, within the limits of their jurisdiction.

ARTICLE V. We agree that the 5th article shall stand in the form proposed, to wit: the merchants, commanders of vessels, or other subjects or citizens of either party shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor wait for their being loaded longer than they please."

ARTICLE VIII. Agreed to omit the words "and without being obliged to pay any duties, charges or fees, whatsoever, or to render any account of their cargo;" and to substitute those proposed, to wit: "and without being obliged to render any account of their cargo, or to pay any duties, charges or fees, whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees, shall be the same, and shall be paid on the same footing as in the case of subjects, or citizens of the country where they are established.

ARTICLE IX. We agree to the amendment proposed by adding to this article these words: "the ancient and barbarous right to wrecks of the sea, shall be entirely abolished with respect to the two contracting parties."

ARTICLE X. By the laws of the United States, copied in this instance from those of England, aliens are incapable of holding real estate. When an estate of that nature descends to an alien, it passes on by escheat to the State; the policy of the United States does not permit the giving to the subjects of any other power, a capacity to hold lands within their limits, which was proposed by the project formerly delivered to Mr. Adams. But they are perfectly willing to relieve such persons from all loss on this account, by permitting them to sell the inheritance and withdraw the proceeds without any detraction. Again, though with them it is a fundamental principle, that every man has a natural right to quit the country in which either chance or choice has placed him, and to become a member of any other where he thinks he can be happier, and the laws of some of them direct the particular form in which it is to be done, and therefore these States can pass

no law to prevent the emigration of their fellow-citizens, yet they will respect the principles of other Governments where the practice is different. We consent, therefore, to add to the end of this clause, from the 8th of the project, these words: "and exempt from all rights of deduction on the part of the government of the respective States; but this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by his Majesty the King of Prussia, to prevent the emigration of his subjects."

ARTICLE XII. Agreed to omit the clause, "on the other hand, enemy vessels shall make enemy goods," and to the end of the article, and to leave that question undecided.

ARTICLE XIII. The stipulation, "to pay a reasonable compensation for the loss such arrest shall occasion to the proprietors," is not so determinate as to save the necessity of a future arrangement. It was thought questionable whether any mode which might now be thought of, might not, by a change of circumstances before the case should arise, become incapable, and that arrangements would then be easily and amicably taken for doing justice to the individuals interested. We are ready, however, to receive a proposition for defining the mode at this time. We agree also to the addition proposed to this clause, to wit: "but in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

ARTICLE XIX. A clause in the treaty with France, the first the United States ever entered into, renders necessary the exceptions subjoined to this article. It has not been repeated, nor is proposed to be repeated in any subsequent treaty. If any antecedent treaties would require a like exception on the part of his Prussian Majesty, we shall cheerfully concur in its insertion, the case being either particularly specified or generally described. The practice of carrying prizes into neutral ports and there selling them is admitted by the usage of nations and can give offence to none, who have not guarded against it by particular contract. Were the clause now under consideration to be so changed, as to exclude the prizes made on the enemies of either, from being sold in the the ports of the other, and that kind of stipulation to take place generally, it would operate very injuriously against the United States in cases, wherein it is not presumed his Majesty would wish it. For suppose them to be hereafter in war with any power in Europe, their enemy though excluded from the ports of every other State, will yet have their own ports at hand, into which they may carry and sell the prizes they shall make on the United States; but the United States under a like general exclusion, having no ports of their own in Europe, their prizes in these seas must be hazarded across the ocean to seek a market at home; an incumbrance which would cripple all their efforts on that element, and give to their enemies great advantage over them.

ARTICLE XXI. Agreed to add as proposed "but by the judicatures of the place into which the prize shall be conducted."

ARTICLE XXV. Agreed to as proposed, "but if any

such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place."

Upon the whole it will be seen, that we accommodate ourselves to the amendments proposed to the 2nd, 3rd, 5th, 8th, 9th, 10th, 12th, 13th, 21st, and 25th articles, that we agree to the amendments proposed to the 4th article with certain qualifications, and we cannot but hope that the 4th and 19th articles so amended and qualified may be permitted to stand.

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.



FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, February 11, 1785.

Gentlemen,

The letter you have done me the honor to write to me in the month of January without date, reached me a few days ago, I have transmitted to the King, the offer to establish the ports of Embden and Stettin as free ports, and I am waiting for the orders of his Majesty, which orders when received, I will hasten to communicate to you. The counter project also which follows my letter of January 24th, must have reached you, and I have hopes of seeing the work which has been the object of our mutual cares, consolidated. I have the honor to be, &c.

DE THULEMEIER.

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, March 4, 1785.

Gentlemen,

The orders of the King, with which I am at present furnished, have enabled me to answer more fully the last letter you have done me the honor to write to me, and the reception of which I have advised you, by my letter of February 11th. His Majesty thinks that the establishing of one or two free ports would be absolutely useless, agreeably to the very correct remark made by the American Plenipotentiaries, that the second and third articles of the counter project, grant to both nations reciprocally, in all the ports where they wish to trade, all the advantages enjoyed by the most favored nations. This observation has put an end to the question, inasmuch as the intentions of the King, are in no way, to limit the commerce of the citizens of the United States, to any particular ports. In case, however, that the establishment of a free port should appear to be of some utility, it might be complied with without much difficulty in regard to Embden, but a similar concession for the port of Stettin would be objected to for several reasons. The letter of the Plenipotentiaries having been written before the receipt of the observations on the last counter project, accompanied by my letter of January 24th of the present year, it is to be presumed that any further explanations would appear useless. I flatter myself, gentlemen, that the first letter which I shall have the honor to receive from you, will facilitate the means of giving, in concert with you, the desired stability, to the

negotiation which is the object of our mutual cares. The success of this transaction will answer my wishes as well as the common interest of both our nations.

I have the honor to be, &c.

DE THULEMEIER.

FROM THE POPE'S NUNCIO TO THE COMMISSIONERS.

Translation.

Paris, December 15, 1785.

Gentlemen,

I have made known to my Court, the proposal contained in the letter you have done me the honor to write the 22d September last, his Holiness, considering no less the convenience of your proposition, than that the right of the Roman Catholic inhabitants and citizens of the United States shall be maintained, orders me to declare to you, that all vessels under the flag of the United States, which shall enter the ports of Civitavecchia in the Mediterranean, and Ancona in the Adriatic, shall meet there with the best reception that can be desired ; provided, that the vessels and property of the subjects of the Holy See, shall, reciprocally, be treated in the same manner, in the ports of the United States. I must add to this declaration, by an express order of his Holiness, that the citizens of the United States shall find, in the above mentioned ports of his dominion, a person appointed to give them every assistance which they may want.

I am happy to declare to you, these intentions of my Court, which cannot but be agreeable to the United States of America.

I have the honor to be, &c.

ARCHBISHOP OF SELUCIE.

290 J. ADAMS. B. FRANKLIN, T. JEFFERSON.

FROM JOHN JAY TO THE COMMISSIONERS.

Office for Foreign Affairs, }
New York, January 14, 1785. }

Gentlemen,

On the 21st ultimo I accepted the place of Secretary for Foreign Affairs. All the foreign letters which had been received during the recess of Congress were then, and are still, in the hands of a committee to whom they had been referred; none have since arrived.

The adjournment from Trenton to this place, necessarily occasioned delay in business. Congress yesterday made a house, and I expect some of these more important measures will soon be matured.

By the next opportunity, I flatter myself with having the pleasure of writing to you more particularly. Judges are nominated, and will doubtless be appointed, to decide the interfering claims of Massachusetts and New York. Advices, just received, give reason to apprehend an attack of the Cherokees on Kentucky—a settlement which increases with a degree of rapidity scarcely credible. It is rumored, but not ascertained, that the Spaniards encourage them.

I have the honor to be, &c.

JOHN JAY.

FOURTH REPORT OF THE COMMISSIONERS TO CONGRESS,
ADDRESSED TO JOHN JAY SECRETARY FOR FOREIGN
AFFAIRS.

Paris, March 18, 1785.

Sir,

We received, by the last packet, the favor of your letter of January 14th, in which we have the agreeable information of your having accepted the appointment of Secretary for Foreign Affairs. Besides the general interest we feel in this event, as members of the Union which is to be availed of your services, we are particularly happy that a channel of communication is opened for us with Congress, in whose justice and abilities we so perfectly confide.

In our letter by the February packet, which we addressed to his Excellency the President of Congress, we had the honor of transmitting the state of our transactions intervening between the date of that and of our preceding letter. We now beg leave, through you, to inform them of our progress since the last period.

No. 1, is a letter from the Pope's Nuncio at this Court, which, though dated at this place the 15th December, 1784, was not delivered to us till late in February, we consider it as definitive of our commission to the Holy See, unless new instructions or circumstances should render a further proceeding under it proper.

No. 2, from the Chargé d'Affaires of Tuscany here, came also to hand after the closing of our letter by the last packet.

From Baron de Thulemeier, Prussian Minister at the Hague, we have received the enclosed letter No. 3,

covering a French translation of the draft of a treaty which we had proposed through him to the Court of Berlin, as formerly reported to Congress, with observations on the several parts of it. This paper is numbered 4, and has been answered by our letter, of which No. 5 is a copy.

We have also received from the Baron de Thulemeier, the letters No. 6 and 7, in answer to ours (formerly communicated to Congress) on the subjects of the free ports within the territories of his Sovereign.

In consequence of a letter written by Mr. Adams to Mr. Dumas, praying his enquiries and information as to the presents, whether periodical or occasional made by the United Netherlands to the several piratical States; he has favored us with the enclosed authentic information marked No. 8. We learn from public papers, that the Republic of Venice pays annually, to Tripoli, a tribute of three thousand five hundred sequins. From a comparison of the strength of this, with that of the other piratical States, some grounds are furnished for conjecturing what is paid by them to the others, when in peace with them. We have promises of some further information on the subject of these tributes, which the envy or pride of nations endeavors to cover under mystery. The sum of them will serve to form a judgment of the contributions which will be required from us.

With great respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

* The sequin of Venice is \$2 40 cents.

FROM W. CARMICHAEL TO B. FRANKLIN.

Madrid, February 27, 1784.

Dear Sir,

I have delayed writing to your Excellency in expectation of having it in my power to advise you that the unfortunate Mr. Hartwell would be entirely extricated from the situation, to which however as you will see by the enclosed papers, his imprudence exposed him. Much about the time I received your letter respecting his confinement at Logrono, one written to me from Bordeaux gave me the same information, I immediately wrote to Bilboa to obtain a circumstantial account of the above-mentioned gentleman, but not receiving in course of post an answer to my letters, I made use of that of your Excellency, in an office I passed to his Excellency the Count de Florida Blanca reclaiming his liberty and the restitution of his property, the annexed No. 1 is a copy of the answer thereto. Your Excellency will perceive by its contents, that some time must elapse owing to the forms established by the tribunal of the inquisition, before the prisoner could receive any material benefit from my application, and in consequence, although I frequently pressed despatch in an affair which affected the liberty and interests of a countryman, I did not receive further advice from the Minister until the 2nd of last month, No. 2. is a copy of the Count de Florida Blanca's letter in the interval between the reception of the abovementioned letters, the enclosed No. 3 was sent me without signature by a person, at Bilboa whom I know to be connected with Mr. Hartwell. On receiving the answer of the Court No. 2, I wrote Mr. Hartwell to know what I could

do further for his service. I have lately received a letter from him requesting me to procure him entire liberty. The Count de Florida Blanca will readily grant his request on condition, that he will leave Spain; the condition is not made by the Minister, but by the Confessor and Inquisitor General. The altercation which the case of Mr. Hartwell has occasioned between the Count de Florida Blanca and the two latter, will give a great shock to the power of the Inquisition, as I am assured that the tribunal will be restricted in future from passing sentence on any grandee of Spain, on all persons employed in the Councils, in the army, navy, &c. or on any foreigner until the process has been submitted to his Majesty, that is to his Minister.

In the month of November I received advice from Cadiz of the capture of an American vessel by a corsair of the Emperor of Morocco, I was also informed you had been applied to on the same subject. I immediately requested the Chargé d'Affaires of France, agreeably to the 8th article of our treaty, to write to the Consul of his nation to employ his good offices to procure the liberation of the vessel and crew and endeavor to induce the Emperor to suspend further hostilities until Congress have time to take such measures as they might judge proper, to produce a good understanding between the two countries. I also prevailed on the Ambassador of Holland, the Minister of Sweden, and the Chargé d'Affaires of Denmark to write to their respective Consuls for the same purpose. Finding by letters I received from the seaports of this kingdom, that the merchants were under the greatest apprehensions for vessels expected from America, I took occasion to insinuate to the Count de Florida Blanca how agreeable it would be to the people of America to learn that his C. M. had interposed his in-

terference on a subject of such importance to their commercial interests, that not being authorized I could not officially request it, but that animated by a sincere desire to promote good understanding between the two countries I could not let slip the occasion of giving his Excellency an opportunity of exerting his influence with his Majesty to render a service, which could not but be productive of the happiest consequences. That Minister, with much apparent candor, assured me of his readiness to serve us on this occasion, but seemed to think it requisite that I should write to him on the subject, this I did and No. 4 is the copy of his answer. The enclosed copies of letters which I have received from Barbary will show your Excellency the situation in which this affair remains.

I lately received letters from Robert Morris, Esq. containing a letter from the President of the Committee of the States, and copies of letters from Mr. Pollock and others at the Havanna, complaining of the cruelty and injustice of the Spanish Government. I immediately laid these complaints before the Minister and have obtained orders to render justice to the parties aggrieved.

The Governor will be reprimanded by the King's direction, I have not yet received these assurances in writing, but have been promised an answer to my office in time for the March packet. I meant to have written more fully to your Excellency, but as the person to whose care I commit this, is only waiting for my letters, I must conclude with praying you to make the proper compliments for me to Messrs. Adams and Jefferson, to the Marquis de la Fayette and my namesake, and believe me with much respect and affection, &c.

WM. CARMICHAEL.

REPORT OF JOHN ADAMS TO THE OTHER MINISTERS.

Auteuil, March 20, 1785.

Gentlemen,

According to your desire, I went early this morning to Versailles, and finding the Count De Vergennes unembarrassed with company, and only attended by his private Secretaries ; I soon obtained the honor of a conference, in which I told him that my colleagues were very sorry, that indisposition necessarily prevented their paying their respects to him in person, and obliged them to request me alone to wait on him and ask his advice upon a thorny question we had with the Barbary powers. He asked what it was, and I put into his hand all the letters upon the subject, in French, Spanish, Italian and English, all of which he read very attentively, and observed that it was obvious what was wanted, and what had piqued the Emperor of Morocco, viz : that Congress had not written to him nor sent him a Consul with the customary presents, for that he was the most interested man in the world, and the most greedy of money. He asked whether we had written to Congress, and obtained their instructions ? I answered, that we had full powers to treat with Morocco, Algiers, Tunis, Tripoli and the rest, but that it was impossible for us to go there, and that we had not a power of substitution. He said then, we should write to the Emperor. I asked, if he would do us the favor to convey a letter for us through the French Consul ? He said, he could not do this himself, because it was not in his department, but if we would make an office of it, he would communicate it to the Marshal De Castries and return us his answer.

I told him, that in looking over the treaties between the several Christian powers and the Barbary States, we found that the treaty between the Crown of France and Algiers, of the 25th of April, 1694, was expired or near expiring, and we were desirous of knowing (if the question was not indiscreet) whether it had been renewed. He smiled upon this, and said, it was true their treaty was upon the point of expiring, but he could not tell me whether it were renewed, as it was not in his department, but if we should insert this inquiry in our office, he would endeavor to obtain the Marshal De Castries' answer.

I told him, that in order to lay before Congress all the information we could, and to enable them to judge the better what other orders to give us, or what other course to take, we had obtained authentic information from Mr. Bisdom and Mr. Vanderhope, concerning the presents annually given by their High Mightinesses, and that we should be very glad to know (if it was not improper) what was the annual amount of the presents made by his Majesty to each of those States, and in what articles they consisted. He said, the King never sent them any naval or military stores, but he sent them glasses and other things of value; but that as it was not in his department, he could not give me particular information, but that we might put this into our office with the other things.

I asked if there was not a considerable trade and frequent intercourse between parts of this Kingdom and the coast of Barbary. He said there was from Marseilles, and the other ports upon the Mediterranean, but he thought if we had presents to send, it would be more convenient to send them from Cadiz.

I then asked the favor of his advice, whether, in our letter to the Emperor of Morocco, we should leave it to his option to send a Minister to treat with us here, or to wait until we could write to Congress and to recommend to them to send a Consul. He said he would by no means advise us to invite the Emperor to send a Minister here to treat with us, because we must maintain him here and bear all the expenses of his voyages and journeys, which would be much more costly than for Congress to send a Consul.

But the Count concluded the whole conference by observing, that every thing relative to this business was out of his department, and that we must state to him in writing all we desired to know, or to have done, and he would convey it to the Minister of Marine, and communicate to us his answer, and that we might depend upon it, that whenever we thought proper to make any office to him, it should be carefully attended to.

He added very particular inquiries concerning the health of Dr. Franklin and Mr. Jefferson, which I answered to the best of my knowledge, and took my leave.

With great respect, &c.

JOHN ADAMS.



FROM THE COMMISSIONERS TO THE COUNT DE VERGENNES.

Passy, March 28, 1786.

Sir,

We have the honor to enclose an extract of a letter from the Commissioners of the United States of America to your Excellency, dated August 28, 1778,

a copy of your Excellency's answer, dated 27th September, 1778, and a copy of M. de Sartine's letter to your Excellency, of the 21st September, 1778, all relative to a proposed negotiation with the States of Barbary. Not having any particular authority or instructions from Congress at that time, to treat with those States, the Commissioners desisted from any further pursuit of the negotiation, until Congress should have an opportunity to deliberate and decide upon it. We are now able to inform your Excellency that we have received from the United States in Congress assembled, special full powers to treat with each of the powers of Barbary, Morocco, Algiers, Tunis, Tripoli, and the rest, and we have lately received authentic information that one of those powers at least, the Emperor of Morocco, has commenced hostilities against the United States, by the capture of a vessel belonging to Philadelphia, by one of his frigates, which has spread an alarm among the American merchants and mariners, raised the price of insurance, and made it necessary for us to do all in our power, to prevent the further progress of the war, as well as to procure the liberation of our countrymen who are made prisoners. As it is impossible for us to go to Morocco, and we have no power of substitution, we can do no more than write a letter to the Emperor, and either invite him to send a Minister, or authorize his Consul in France to treat with us here, or to carry on the negotiation in writing at this distance, through the French Consul at Morocco, or propose to him to wait until we can write to America, and Congress can send a Consul to the Emperor.

We, therefore, request the honor of your Excellency's

advice, which of these measures is the most eligible, and whether your Excellency, or the Minister in whose department it is, would do us the favor to transmit a letter from us to the Emperor, through the French Consul.

Looking over several treaties between Christian powers and the Barbary States, we find that the treaty between the Crown of France and Algiers, of April, 1684, is upon the point of expiring; and we are desirous of knowing, (if it is not improper that we should enquire,) whether this treaty is or is not likely to be renewed; because, if there is a probability of a war, Congress would probably prefer joining in the war, rather than to treat with nations who so barbarously and inhumanly commence hostilities against others, who have done them no injury.

In order to lay before Congress all the information necessary to enable them to judge what is best for them to do, we have obtained from Holland a certain account of the presents given annually and occasionally by the States General, to the Barbary powers, and have taken measures, which promise success, for procuring similar intelligence from other Christian States, and, if there is no impropriety in the request, we should desire to be informed what is the annual amount of the presents given by France to each of those States, and in what articles they usually consist.

We have the further honor to propose to your Excellency, that his Majesty's good offices and interposition may be employed with the Emperor, in order to provide, as fully as possible, for the convenience and safety of those inhabitants of the United States, their vessels and effects, who are now, or may hereafter be, in captivity in

Morocco, according to the tenor of the eighth article of the treaty of commerce.

With the highest respect, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

[The three following papers, alluded to in the beginning of the preceding letter, are inserted here, because they serve to shew in one point of view all the transactions respecting the Barbary powers, and because they were made use of on the present occasion, as the basis for re-commencing a correspondence on the subject, with the Court of Versailles.]

Extract of a letter from the Commissioners of the United States of America to M. le Comte De Vergennes, dated

Passy, August 28, 1778.

“By the eighth article of the treaty of commerce, his Majesty has engaged to employ his good offices and interposition with the Emperor of Morocco, and the regencies of Algiers, Tunis, Tripoli and the other powers on the coast of Barbary, in order to provide, as fully as possible, for the convenience and safety of the inhabitants of the United States, and their vessels and effects, against all violence, insults, attacks or depredations on the part of the said Princes and States of Barbary and their subjects.

We have received information that there are already American vessels in Italy, desirous of returning home,

and that there are merchants in Italy, desirous of entering into the American trade, but that an apprehension of danger from the corsairs of Barbary is a discouragement. We, therefore, request your Excellency's attention to this case, and such assistance from his Majesty's good offices, as was intended by the treaty."



FROM COUNT DE VERGENNES TO THE COMMISSIONERS.

Translation.

Versailles, September 27, 1778.

Gentlemen,

In the letter which you did me the honor to write to me the 20th of last month, you recall the promise which the King made in the eighth article of the treaty of friendship and commerce, signed the 6th February last, to employ his good offices with the Regencies of Barbary, to procure for the subjects of the United States, every security in the Mediterranean for their commerce and navigation. I have communicated your request to M. de Sartine, to whose department this subject belongs, and you will find by this Minister's answer, a copy of which you have enclosed, that he thinks it well founded. But before the orders of the King are taken in this respect, he requires several *eclaircissements*.

I request of you, gentlemen, to address them to me, and to be beforehand assured that the King will very willingly do whatever is in his power, to satisfy the United States, and to render their wishes approved of by the Princes of Barbary.

I have the honor to be, &c.

DE VERGENNES.

FROM M. DE SARTINE TO M. THE COUNT DE VERGENNES,
Translation.

Versailles September 21, 1778.

Sir,

I have received the letter you did me the honor to write to me the 5th of this month to inform me of the commission which the deputies of the United States of North America have given you for the purpose of engaging the King to take the necessary measures with the Regencies of Barbary, to fulfil the engagements which he has made in the 5th article of the treaty of the 6th February of this year. I have examined this article and find that the King has promised to employ his good offices with the King of Morocco and the Princes of Barbary; to provide as extensively as possible for the advantage, convenience and security of the subjects of the United States and their vessels and cargoes against all violence, insult, attack or depredation from the Barbarian Princes and their subjects.

After these engagements it seems to me proper to think of the means to realize them, notwithstanding all the difficulties which appear to be in the way. But before the plan we may adopt is presented to the King, it appears necessary to be assured of the true inclinations of the United States of North America and those steps they desire to be taken on the part of France.

Are the United States of America determined to conclude treaties with the Princes of Barbary, or do they only wish that we should employ our good offices to make their flag respected by the powers of Africa? This last matter we can never obtain, or if by chance we

should procure from some of them the privilege of trade for the United States, their permission would be but deceitful, momentary and very precarious, and it would undoubtedly expose us without being of the least service to the subjects of the United States. The Algerines particularly would never respect the flag of the United States, without they received considerable advantages. You know too well, sir, the character of the barbarians and the policy of their Government, not to see the inutility and dangerous consequences of such an overture.

It would be less difficult perhaps to engage them to acknowledge the independence of the United States of North America, and to conclude treaties with this new power. It is necessary first to know what may be the instructions of the deputies of Congress, and whether they are authorized to enter into negotiations with the Princes of Africa, through the interposition of France. If Congress has this design, I can then take the orders of the King to give his deputies instructions how to enter upon a negotiation with the Sovereigns of Barbary, and we, sir, can concert measures that may be effectually employed to obtain the end proposed, without hazarding our own interests for those of the United States. This negotiation will be long and difficult, but I will neglect nothing to secure its success, if the Congress is determined on it, and you think that the "King is engaged to favor it." I shall wait your answer before I make any overture.

I have the honor to be, &c.

SARTINE.

FROM THE COUNT DE VERGENNES TO THE COMMISSIONERS.

Translation.

Versailles, April 28, 1784.

Gentlemen,

I have communicated to M. Marshal de Castries, all the papers which you have done me the honor to address to me respecting the Barbary Regencies, and I cannot do better than send you a copy herewith of the answers, which this Minister made to me on this subject.

I have the honor, gentlemen, to be, &c.

DE VERGENNES.

COPY OF THE LETTER FROM M. MARSHAL DE CASTRIES
TO THE COUNT DE VERGENNES AT VERSAILLES.

Translation.

April 24, 1785.

Sir,

I have received the letter which you did me the honor to write the 21st inst. and the different pieces which accompanied it.

I have perused them with attention, and I hasten to let you know, as you desire, my opinions on the questions proposed by the American Ministers.

I begin by informing you, that about three weeks since they have been furnished with extensive instructions of the contributions and presents of the Christian powers, and of the value and species of those which France has made them for purposes of State. It remains for Congress to judge whether a good understanding with the

Barbarians is worth the sacrifice, without which it will be superfluous to pretend to it. Should they happen to obtain it from the King of Morocco and the Regency of Algiers, Tunis and Tripoli would easily follow their example, and certainly at less expense.

The particular affair which they have had with Morocco, seems to invite them to begin with that power, and of the three modes which they propose, I only think the last advisable.

The King of Morocco supports no authorized Consul in France; and besides his pretensions to being sought after, I doubt whether he would consent to send a Minister to meet those of the United States; this proceeding would be inefficacious, and the agent would not have sufficient power to conclude a treaty or a solid arrangement. The same would be the consequence of a negotiation carried on by writing. It remains then to propose to the King of Morocco to wait until they can have advised Congress to send him a Consul. I will willingly charge myself with the care of forwarding their letter to this Prince, and the officer of the King shall have orders to render every service in his power to the American prisoners, until the negotiation shall actually be set on foot. Whenever the thirteen United States shall have entered thereon, they may rely on the interposition and assistance of his Majesty's Consul. I see, with pleasure, that they have already procured those of his Catholic Majesty, whose powerful influence will be infinitely useful to them.

When our treaty with Algiers shall expire, we shall desire to renew it, and even may flatter ourselves to be able to do it without any difficulty. But should any occur that must be surmounted, the King is accustomed

to use no foreign interventions to establish or preserve the good understanding, which it suits him to maintain with the Barbary powers.

As to the rest, sir, you can assure the American Ministers, that they will always find the King inclined to favor their negotiations with these States; and on all occasions to assist them with his cares and offices, which he would render them though he were not engaged by the convention they claim. But at the same time, it is necessary that they adopt measures of similar execution.

I hope, sir, that I have precisely answered all the points of the letter which Messrs. Adams, Franklin and Jefferson, have written to you, and to every thing essential contained in the pieces which accompanied it.

I have the honor to send you the originals, &c.

DE CASTRIES.



FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

Paris, March 26, 1785.

Gentlemen,

Having communicated to my Court the readiness you expressed in your letter to me of the 9th of December, to remove to London, for the purpose of treating upon such points as may materially concern the interests, both political and commercial, of Great Britain and America, and having at the same time represented that you declared yourselves to be fully authorized and empowered to negotiate, I have been, in answer thereto, instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested, whether you

are merely commissioned by Congress, or whether you have received separate powers from the respective States. A committee of North American merchants have waited upon his Majesty's principal Secretary of State for foreign affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of Congress could avail in any respect, where the interests of any one individual State was even concerned, and particularly so, where the concerns of that particular State might be supposed to militate against such resolutions as Congress might think proper to adopt.

The apparent determination of the respective States to regulate their own separate interests, renders it absolutely necessary, towards forming a permanent system of commerce, that my Court should be informed how far the Commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual.

I have the honor to be, &c.

DORSET.



FROM THE COMMISSIONERS TO THE DUKE OF DORSET.

Passy, near Paris, May 16, 1785.

My Lord Duke,

We received in due time the letter which your Grace did us the honor to write us on the 26th day of March last, and have delayed the acknowledgment of it, in ex-

pectation of the arrival of the packets, by which we hoped for further instructions from Congress.

We have now the honor to inform your Grace, that Congress, on the 24th day of February last, appointed a Minister Plenipotentiary to reside at the Court of his Britannic Majesty, who proposes to proceed to London in the course of two or three weeks; which makes a more particular answer unnecessary.

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
THOS. JEFFERSON.

FIFTH REPORT OF THE COMMISSIONERS TO CONGRESS,
ADDRESSED TO JOHN JAY SECRETARY FOR FOREIGN
AFFAIRS.

Paris, April 13, 1785.

Sir,

Our letter to you the 18th day of March with those preceding, which we had addressed to the President of Congress have conveyed exact details of our transactions till that time. Since the making of that despatch the following proceedings have taken place.

The letter No. 1 from Mr. Carmichael to Dr. Franklin dated February 27th, 1784, (instead of 1785) will apprise you that there is a prospect of Mr. Hartwell's regaining his liberty and property, though not without some delay and probably some loss.

The same letter will inform you of Mr. Carmichael's proceedings in the case of the brig Betsey taken by the

Emperor of Morocco, and the papers which accompanied that letter marked No. 1, a, b, c, d, e, f, g, will show the process in that business to the 15th of January last, and a subsequent communication from Mr. Carmichael, marked No. 2, being a letter from the Count de Florida Blanca to him, dated March 16th, 1785, will show its situation at that time.

With this last Mr. Carmichael also sent us the papers No. 3, a and b, the first being a letter from a spy employed by the Spanish Court, a holy father of the order of Redemption of Captives, and the second a statement made out by the Algerines from February 1st, 1777, to September 8th, 1783, the revolution it underwent during that period, the number of cruizers they made, prizes they took, and the nations from whom taken. While these give a smaller idea than had been entertained of this the most formidable of the piratical States, the following papers marked No. 4, a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, will show that the price of their peace is higher than the information heretofore communicated had given us reason to expect. The paper No. 4, a, is a letter from the Marquis de la Fayette, to whose means of access to the depositories of this species of information and his zeal for the service of the United States, we are indebted for the intelligence it contained as well as for the report No. 4, b, and the details, No. 4, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, from these it will appear that powers which like France and England can combine the the terror of a great naval force, with the persuasive of pecuniary tribute, yet give occasionally as far as 15,000 guineas to Morocco, which holds but the second rank amongst these States. This information is still very in-

complete giving only a view of detached parts of the transactions between the European and African powers, it will contribute however with what we have formerly laid before Congress, to enable them to form some estimate of what will be required from a people possessing so weak a navy and so rich a commerce as we do. These rovers will calculate the worth of the prizes they may expect to take from us in the Mediterranean and in the Atlantic, and making some allowance for the expense and losses they will incur in these enterprizes, they will adjust their demand by the result, regarding little the representations we may make of our poverty. They count highly too among the motives which will induce us to give a good price, the horrors we feel on the idea of our countrymen being reduced to slavery by them. Some of the European merchants and perhaps Consuls resident with them will, probably, not be backward in supplying their want of knowledge as to the extent and nature of our commerce and the degree of protection we are able to afford it. We have been many days in expectation of the arrival of the French packet which should have sailed from New York the middle of February, having been informed that as early as December Congress had referred sundry foreign affairs to the consideration of a committee, and that the packet arrived at New York January 17, which conveyed our letter of November with a detail of the situation in which their business was on this side the Atlantic, we hope that the packet sailing a month afterwards, and now expected here, will bring us further instructions. In the meantime, the situation of our trade rendered it necessary to admit as little delay as possible with the Barbary powers. We, therefore, thought it best to put that business into train; for this

purpose we resumed a correspondence, which had formerly taken place between the American Commissioners and this Court, copies of which are herewith given in the papers marked No. 5, a, b, &c. the want of money and of powers had discontinued this correspondence. We thought it a proper ground, however, whereon to found applications to this Court, for their aid in the treaties which may now be proposed. Mr. Adams accordingly waited on the Count De Vergennes, with copies of that correspondence (his colleagues being prevented by indisposition from accompanying him on that occasion) No. 5 is his report of what passed, and No. 5, a, e, copy of the letter we addressed to the Count de Vergennes, according to his desire. To this no answer has as yet been received. We propose to make no actual overtures to the Barbary States, till the arrival of the packet now expected, which we suppose will convey us the ultimate will of Congress on this subject.

A similar expectation of new information and instructions from Congress as to our affairs with the British Court, suspend, till the arrival of this packet, our taking any measures in consequence of the enclosed letter, No. 6, from the Duke of Dorset, the British Ambassador at this Court, that their definitive answer must be required as to the articles in our instructions, distinct from the treaty of commerce admits of no question, but as to the doubts they pretend, and the information they ask, with respect to the powers of Congress, we do not decide what we shall say or do till we see whether we receive by this conveyance any new instructions.

We have the honor to be, &c.

JOHN ADAMS.

B. FRANKLIN.

THOS. JEFFERSON.

FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Paris, August 26, 1785.

Gentlemen,

The project of a treaty, which you did me the honor to address to me, in the month of last December, and which you proposed to his Royal Highness, my Lord the Archduke, Grand Duke of Tuscany, my master, was too conformable to his principles not to be acceded to.

This Prince, after having had it under his consideration, has determined to accept it; and it is by his order, that I have the honor to communicate to you, the accompanying translation. There are some amendments, which do not change the substance of the convention; but which local circumstances, and the regulations of the country, which all nations must respect, render indispensable, you will see, gentlemen, that the citizens of the United States of America will be treated in every case at Leghorn, as the most favored nation, and that they will consequently enjoy all the advantages which are granted to others. We ask the same conditions and reciprocity for Tuscany. Thus a basis of a treaty could not be adopted on a more perfect equality than this.

I have the honor to be, &c.

FAVI.

Chargé d'Affaires of Tuscany.

FROM BARON THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, May 3, 1785.

Gentlemen,

The orders of the King, which I have just received, enable me to give you the explanations you required of me in the letter you have done me the honor to write, bearing date March 14th of the present year. His Majesty approves the 19th article as it was last drawn up: "That armed vessels of either of the two nations, will be allowed to enter, with the prizes taken from their enemies, into the ports of the other, to depart freely or sell them there."

He flatters himself that the United States will appreciate this condescension, and will perceive the desire of his Majesty to give them proofs of friendship, inasmuch as he does not equip cruising vessels, and that consequently his subjects are not enabled to make prizes at sea.

His Majesty is also willing to let the clause added to the 19th article, remain: "that no vessels which shall have made prizes on the subjects of his most Christian Majesty, shall find an asylum in the ports or havens of the United States."

His Majesty consents also that the 4th article may be drawn up as it is proposed to me by the American Plenipotentiaries, in the letter abovementioned, except that the words *subjects* and *citizens*, which are found in the counter-project, may be restored in lieu of the words *persons* or of *each and every one*, and that the following passage will be omitted: "that the present article shall not work

to the disadvantage of the laws of the city of Königsberg, which prohibit commerce between foreigners within its jurisdiction;" the transit duty of the city of Königsberg, having only been quoted to illustrate and to show the necessity of the general clause of the 2d and 3d articles, it being, nevertheless, submitted to the laws and usages established there.

I congratulate myself, gentlemen, that I may consider the negotiation for which I have had the honor to treat with you, as nearly ended. The United States of America will certainly consider the readiness with which the King has yielded to the different alterations of the projected treaty of commerce, as an additional motive to protect and favor the trade and ties which the subjects of his Majesty may form with the citizens of the Republic.

It only remains with me, gentlemen, to submit to you whether it would not be proper to cause the treaty to be transcribed, so that after being signed by us, it may be exchanged with the usual forms, according to our powers.

I have the honor to be, &c.

DE THULEMEIER.

FROM THE COMMISSIONERS TO BARON THULEMEIER.

Passy, May 26, 1785.

Sir,

We received the letter you did us the honor of writing to us the 3d inst. and are happy to find that all points of the proposed treaty being, through the King's goodness and condescension, now agreed, nothing remains but to transcribe it fairly, and to sign and exchange the copies

according to our powers and the usual forms. But the signature of at least two of our number being necessary, and Mr. Adams being called away by his mission to the Court of Great Britain, and another of us rendered unable, by age and a painful malady, to perform a land journey, there is a difficulty in meeting with your Excellency for the purpose, either at any intermediate place, or at that of your residence, (which in respect to the King we might otherwise willingly do,) we, therefore, propose it for your consideration, whether, though not usual, the act would not be equally valid if, in case it should not suit you to come to Paris, (where however we should be glad to see you,) we were to sign separately the instruments, dating our respective signatures with time and place, and exchanging them by some confidential person who might deliver to you that which shall be signed by us, to be there signed and kept by you, and receive that signed by you, which we can afterwards sign here. We request your opinion and determination, and are, with great respect, sir, &c.

B. FRANKLIN,
THOS. JEFFERSON.

P. S. We have the honor to enclose a copy of the treaty as we understand it to be settled, and to propose that the blank in the last article for its continuance, shall be filled up with the number *ten*.

FROM BARON DE THULEMEIER TO THE COMMISSIONERS.

Translation.

The Hague, June 17, 1785.

Gentlemen,

I received on the 4th instant, the letter you have honored me with, bearing date May 26th; my first care has been to cause the annexed treaty, to be translated into the English language, and to transmit it to my Court. The King will certainly learn with much satisfaction, that the negotiation which has been confided to us, has reached such a point, that there is nothing left to be done, but to cause the treaty to be engrossed in the usual form. If you are willing, gentlemen, the exchange which you propose to be made by a confidential person, might, in consideration of the distance between your actual residence and that of Mr. Adams and mine, be made, at the Hague, by Mr. Dumas, Chargé d'Affaires of the United States of America.

I have communicated this to the King, and have besides this informed His Majesty, that you proposed, gentlemen, to fix the duration of the treaty to the term of ten years. I anticipate for your country and mine, many lasting advantages, from these new commercial ties, established on the basis of reciprocal duties and perfect equality. I should have desired to be able to assure you verbally, that I never will cease to be, with sentiments of high consideration, &c.

DE THULEMEIER.

300 J. ADAMS, B. FRANKLIN, T. JEFFERSON.

SIXTH REPORT TO CONGRESS, ADDRESSED TO JOHN JAY
SECRETARY FOR FOREIGN AFFAIRS.

Paris, May 11, 1785.

Sir,

Our last letter to you was dated April 13th, 1785, and went by the packet of that month from L'Orient. Since that date the letter, No. 1, a, directed to Dr. Franklin, inclosing those marked No. 1, b, &c. and also the paper No. 2, have come to hand, these relate to supplies furnished by Mr. Harrison to the crew of the ship *Betsy*, taken by the Emperor of Morocco, on which subject Congress will be pleased to make known their pleasure to Mr. Harrison or Mr. Carmichael, they relate further to the general affairs of the Barbary States, a letter from the Marshal de Castries, forwarded to us by the Count de Vergennes, as marked No. 3, a, b, will show the opinion of that Minister, on the best method of conducting a treaty with those States, as we are yet uninstructed from what sources to call for the moneys necessary for conducting and concluding treaties with them, and no step can be taken without cash in hand; we wait orders on this subject, and in the meantime wish to keep matters with the Emperor of Morocco, suspended in their present state. The attention of Congress will have been called to this circumstance by our letter of November 11th, and several letters subsequent to that date.

As it is always well to know the dispositions of our neighbors, we enclose the letter No. 4, from a refugee of Louisiana to Dr. Franklin. It contains, moreover, a proposition for the consideration of Congress.

No. 5, a, and b, are a counter project, with a letter covering it, from the Chargé d'Affaires of Tuscany, at this Court, as some of the alterations of our draft, which the counter project proposes, requires explanations, these have been desired and obtained in verbal conferences with M. Favi. In consequence of these, we shall immediately communicate to him in writing, our dispositions on the several parts of it.

The letter No. 6, from the Baron de Thulemeier, received the 9th instant, contains the decisions of the King of Prussia, on our last propositions. We shall close with him on the ground established in the several papers which have passed between us, and take immediate measures for putting the last hand to this treaty.

We have the honor to be, &c.

JOHN ADAMS,

B. FRANKLIN,

THOS. JEFFERSON.

FROM THE COMMISSIONERS TO M. FAVI.

Passy, June 8, 1785.

Sir,

We have the honor of transmitting herewith our sentiments on the counter draft of the treaty proposed to be established between his Royal Highness the Grand Duke of Tuscany and the United States of America: you will therein perceive that we agree to most of the changes proposed by the counter draft. Some of them we wish to modify, and on others we offer reasons we hope will be satisfactory to your Court. It is with great pleasure

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that we meet its dispositions to promote by this establishment, the friendship and happiness of the two nations.

We have the honor to be, &c.

B. FRANKLIN,
THOS. JEFFERSON.

FROM M. FAVI TO THE COMMISSIONERS.

Translation.

Gentlemen,

I have received with your letter, which you did me the honor to write on the 8th of this month, the observations which it encloses on the alterations, which the Court of Tuscany has made in some articles of the treaty which you proposed to it.

I shall forward them to it immediately and shall have the honor to inform you in due season, of the answer which I shall receive, presuming that the Court will be for concluding this Convention which cannot but be useful to the two countries.

I am, with the greatest respect, &c.

FAVI.

Observations on the alterations proposed on the part of his Royal Highness, the Grand Duke of Tuscany, in the articles of a treaty offered by the Commissioners of the United States of America.

We agree that the 2d and 3d articles shall stand with the changes proposed as follows :

ARTICLE II. The subjects of his Royal Highness may frequent all the coasts and countries of the United States of America, and reside and trade therein, in all sorts of produce, manufactures and merchandize, *without exception of any*, and shall pay, within the said United States, no other or greater duties, charges and fees, whatsoever, and shall be obliged to observe no other or stricter formalities, restrictions or cautions, than the most favored European nations are or shall be obliged to pay and observe; and they shall enjoy all the rights, privileges and exemptions, for their persons and property, and in navigation and commerce, which the most favored European nation does or shall enjoy.

ARTICLE III. In like manner, the citizens of the United States of America may frequent the coasts and countries of his Royal Highness the Grand Duke of Tuscany, and reside and trade therein, in all sorts of produce, manufactures and merchandize, without exception of any, and shall pay, in the dominions of his said Royal Highness, no other or greater duties, charges and fees; whatsoever, and shall be obliged to observe no other or stricter formalities, regulations or cautions, than the most favored European nations are or shall be obliged to pay and observe; and they shall enjoy all the rights privileges and exemptions, for their persons and property, and in navigation and commerce, which the most favored European nation does or shall enjoy.

ARTICLE VI. We accede to the alterations proposed for the 4th article, but we wish then to add two modifications to that article, which seem equally necessary and proper for both parties. 1st. That each party reserve a power to prohibit absolutely, within their own territories;

the exportation or importation of any particular commodity when necessity or reasons of State require it. As for instance, the exportation of grain when a famine prevails or is apprehended, or the importation of any particular manufacture, which either party wishes to encourage at home by excluding what would come from abroad. It is only necessary in these cases to provide that the moment such exportation or importation is allowed to any persons at all, it shall be permitted to the other party also. The second modification is that where any nation restrains the transportation of commodities to the vessels of the State of which they are the produce, each party shall have a right to establish against that nation retaliating restraints. We therefore propose that the 4th article with the alterations offered on the other part, and the modifications abovementioned shall stand in this form.

ARTICLE IV. More especially each party shall have a right to carry any kinds of produce, manufactures and merchandize of whatever place they be the growth or manufacture, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take produce, manufactures and merchandize of whatever place or growth, which all persons shall in like manner be free to sell them, paying in both cases such duties, charges and fees, and observing such formalities, regulations and cautions only as are or shall be paid or observed by the most favored European nation. Nevertheless his Royal Highness and the United States, and each of them reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth, produce

or manufacture, to establish against such nation, retaliating regulations, and also the right to prohibit in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case the subjects or citizens of the contracting parties shall not import or export the merchandizes prohibited by the other. But whenever one of the contracting parties permits any other nation, or its own citizens or subjects to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE v. This article had in view to authorize the merchants on each side to employ, 1st, what persons they please, and 2d, what vessels they please, in the transaction of their business, lading and unlading their ships. The Tuscan regulations of commerce having rendered it necessary as to the first object to add a proviso "that the the person so employed be thereto authorized;" and again "that they should use the public porters in places where they are or shall be established." It is apprehended that these restrictions of the first branch of the article, are so broad as to leave very little for it to operate on, while at the same time it might in some cases produce embarrassment and contrary constructions. It is therefore proposed to omit altogether what relates to the persons to be employed, and retain only what relates to vessels, so that this article may stand thus :

ARTICLE v. The merchants, commanders of vessels or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE VI. The additions proposed to this article are, 1st, that the laws as to prohibited merchandize, shall be observed by the vessels of each party; 2d, that they shall receive on board the usual custom house guards; and 3d, that vessels in harbor shall not be asylums for delinquents. It is supposod that these effects flow from the laws of every State; and as there is no stipulation proposed in this treaty which would suspend the force of these laws, it is submitted whether it be necessary to stipulate their observance, and whether the referring the obligation of these laws to a false basis, that of national convention, when the true basis of their obligation is the authority of the legislature, within its own territories, might not weaken the energy of the laws in some other possible cases, and in the end produce more doubt than the stipulations would remove. Nevertheless, the American Commissioners not objecting to the effect of the additions, but only supposing they will take place without express stipulation, are ready to acquiesce in them if it will be more satisfactory to the other party. But if thought indifferent by them, we propose that the 6th article shall remain as originally formed.

ARTICLE VIII. We agree to the 8th article in the following form, which it is apprehended will include the additions proposed:

ARTICLE VIII. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall put out and send their boats to the proper place, and shall give due account of themselves; but they shall then have liberty to depart and to pursue their voyage

without molestation, and without being obliged to pay any duties, charges or fees, whatsoever, except those established for vessels entered into port and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, and except also the charges of the visits of the health officers, which duties, charges and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

ARTICLE IX. We agree to the alterations proposed in this article, the latter clause of which will stand, with the alterations, in these words: "and if the operations of repair shall require that the whole or any part of the cargo be unladed, the same rules shall be observed as to the payment of dues which are observed in like cases with the inhabitants of the country, and with the other, the most favored nations of Europe."

ARTICLE X. One of the alterations proposes that a subject or citizen of either party, dying in the country of the other, and leaving no person on the spot to take care of his goods, the courts of the country shall take them into their custody and keep them, &c. But by the laws of our States, the courts do not take into their own custody the goods of persons dying, but appoint trusty persons to do it, and make those persons accountable to the owners. Therefore, we proposed that in such cases, the goods should be taken care of in the same way as those of the natives are in like cases, leaving the particular mode to the laws of the country. We still suppose this will be best for both parties, and therefore propose the 10th article with the alteration, to which we accede in the following form :

ARTICLE X. The citizens or subjects of each party, shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise ; and their representatives, whosoever they be, shall succeed to their said personal goods, whether by testament or *ab intestato* ; and may take possession thereof, either by themselves, or by others acting for them, and dispose of them at their will, paying such dues only as the inhabitants of the country, and of the nations of Europe the most favored shall be subject to pay in like cases. And in case of the absence of the executor, attorney and other representatives, such care shall be taken of the said goods, and for so long a time as would, by the laws of the country, be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them, and if question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation.

We agree to the alterations proposed in the thirteenth article, and that it shall stand thus.

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize hereto-

fore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels, and to make them unlade such articles in the nearest port, putting them under safe keeping, and to detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. And to remove all doubts respecting the merchandize and effects which shall be subject to the arrangements in this article, it is declared that they are the following: cannon, mortars, &c. but these articles shall not be subject to be stayed, provided they be not in greater quantity than may be necessary for the use of the ship, or of the persons in it.

ARTICLE XIV. We agree to the alterations proposed in the fourteenth article, and that the clause "shall be provided," &c. shall stand thus: "shall be provided with sea letters or passports, which shall express the property and burthen of the vessel, as also the name and dwelling of the master," which passports shall be made out in good and due forms, and in the manner and for the time which is usual with the respective nation in

time of peace, on which subject such further explanations shall be entered into, as occasion may render necessary; and shall be exhibited whensoever required, &c. to the end of the clause as proposed in the original draft.

ARTICLE XVI. The sixteenth article, among other things, proposes that no other than the ordinary legal procedure shall be used against subjects or citizens of the one party committing offences within the jurisdiction of the other; it has been proposed to add "and with the subjects, citizens or inhabitants of the other." If the effect of this addition is rightly understood, it would be contrary to our wish in such cases as these. A Tuscan commits an offence against an Englishman, both of them being transiently in a port of America. This article would not prohibit an extraordinary procedure contrary to the common course of law, against the Tuscan. It is submitted, therefore, whether it is not better to extend to our people the benefit of the ordinary course of procedure in every case of offence committed by one of them, without the jurisdiction of the other, whether the party offended be an inhabitant or not. This is what was proposed by the article as it stands in the original draft.

We agree to the alterations proposed to the 17th article, and that it shall stand thus:

ARTICLE XVII. If any vessel or effects of the neutral power be taken by an enemy of the other, and retaken by that other, they shall be brought into some port of one of the parties and delivered into the custody of the officers of that port to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof, without any pretensions whatever to

salvage. But if a vessel of the one party be taken by pirates or sea rovers and retaken by a vessel of the other, one third part of the value of the vessel and cargo retaken shall be given to the recaptors.

Two additions are proposed in the 18th article. 1st. To insert among the causes of refuge in each others ports that for the ordinary affairs of their commerce and navigation. But as the 2nd and 3rd articles relate solely to causes of commerce, and give every privilege and still more in all such cases, it is submitted whether the insertion here proposed is necessary or can give any additional advantage to our merchants and sailors: and if it cannot, then whether it is not better omitted, as two articles relating to the same subject, but indifferently expressed, may sometimes produce confusion. The 2nd addition is of these words, "nevertheless in every case the vessels which shall come into the respective ports, scales or roads shall exactly observe the laws," &c. We beg leave to refer to our observations on the 6th article as containing our sentiments on this addition also, we propose therefore that this 18th article shall retain its original form.

The 19th article had provided that the armed vessels of either party might carry their prizes freely where-soever they please: the words "within the jurisdiction of the other" are proposed to be added, to which there could be no objection, but that they produce an implication that they may not be carried out of their jurisdiction when once they shall have entered into it.

We agree to all the other alterations of this article, only proposing that the last shall be in these words: "and the same shall take place in all those cases in which the most serene Grand Duke of Tuscany has made like con-

ventions with other powers." It is just that preceding obligations should prevail against the present treaty, but that the present should prevail against those which shall be subsequent. The article, with its alterations, will stand thus :

ARTICLE XIX. The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay to officers of Admiralty, of the customs, or any others, any duties, charges or fees, other than those established for other vessels and merchandize, and which are paid by the most favored nations of Europe. Nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the port of the other party, except the case where the prize is charged to have been made against the laws of neutrality, existing in the country; but may freely be carried out again at any time by the captors, to the places expressed in their commission, or wherever they please, the commanding officer of the vessel making the capture, being obliged to show his commission and instructions, or to give other sufficient proofs, whenever it shall be alleged that he was not authorized to hoist the flag of the nation under which he made the prize. But no vessel which shall have made prizes on the subjects of his most Christian Majesty, the King of France, shall have a right of asylum in the port or havens of the United States; and if any such be forced therein, by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian Majesty and the United States. And the same shall take place in all those cases

in which the most serene Grand Duke of Tuscany has made like conventions with other powers.

ARTICLE XX. Our laws do not assume cognizance of acts done neither within their jurisdiction, nor by their citizens. Therefore, a subject of Tuscany, committing hostilities on us at sea, under the flag of another power, would not be liable to their sentence. But a stipulation by his sovereign, that he should be liable, would give that authority. It would be necessary, however, to say in what predicament he should stand liable. That of a private seems most analogous to his proceedings. We propose, therefore, to retain that word, in order to adapt the article to our laws, while those proposed on the other part may be also retained, to adapt it to the laws of Tuscany, and that the article shall stand thus :

ARTICLE XX. No citizen or subject of either of the contracting parties, shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate or otherwise severely according to the rigor of the laws.

We agree that the fourth section of the twenty-first article shall stand as proposed, thus :

ARTICLE XXI. 4thly. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each ; and shall be freely at the disposal of the captors, according to the laws, usages and regulations of the State to which the captor belongs.

ARTICLE XXIV. The twenty-fourth article proposed, that officers breaking their parole, and privates escaping from their cantonment, should lose so much of the bene-

fit of the article, as provides for their enlargement on parole or in cantonment. It is proposed on the other part, that they shall lose the benefit of this article ; that is to say, the whole benefit of it. But it would seem to be a rigor, neither laudable nor useful, to deprive them of their wholesome and plentiful ration, and all other benefits of this article, for a breach of the limits of their confinement. We would therefore repeat our wish, that they should thereupon be subject only to close confinement, as originally proposed, and of course that this article should remain in its first form.

We agree that the twenty-fifth article shall be as proposed, thus :

ARTICLE XXV. The two contracting powers grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, observing the usual forms of notification and admission, and on the same footing as is or shall be allowed to any other of the most favored European nations.

We agree also, that the first part of the twenty-sixth article shall stand thus :

ARTICLE XXVI. If either party shall hereafter grant to any other European nation, &c.

The articles on which no observations have been made, that is to say, the 1st, 7th, 11th, 12th, 15th, 22nd, 23rd and 27th, to remain in the form originally proposed.

FROM MONSIEUR FAVI TO THE COMMISSIONERS.

Translation.

Paris, June 11, 1785.

Gentlemen,

I have received the letter which you did me the honor to write the 8th of this month, enclosing observations upon the alterations made by the Court of Tuscany, upon some articles of the treaty which you had proposed. I forwarded them without delay. I will have the honor to inform you in due season of the reply, which I shall receive, and which I presume will be for the conclusion of this convention, and which cannot fail to be useful to both countries. I am, &c.

FAVI.

Chargé d'Affaires of Tuscany.

SEVENTH REPORT OF THE COMMISSIONERS TO CONGRESS,
ADDRESSED TO JOHN JAY, SECRETARY FOR FOREIGN
AFFAIRS.

Passy, June 18, 1785.

Sir,

In our last to you, of May 11th, we had the honor of enclosing, among other papers, a letter from Baron Thulemeier, drawing to a close our negotiation with the Court of Berlin. We have now that of forwarding our answer, marked No. 1.

No. 2, a, contains our observations of the counter-draft from the Court of Tuscany. No. 2, b, the letter enclosing them, and No. 2, c, Mr. Favi's answer acknowledging their receipt.

Mr. Adams' appointment to the Court of London, rendering it more convenient, more speedy, and probably more effectual, that that negotiation should be conducted on the spot, we wrote to the Duke of Dorset a letter of which No. 3 is a copy, in answer to one received from and transmitted to you in April. Since Mr. Adams' departure, we have been favored by him with information which he received from you, that a Mr. Lamb had been charged with letters and instructions for us on the subject of the treaties with the State of Barbary. He sent us, at the same time the copy of a resolution of Congress on that subject; as yet we have heard nothing more of Mr. Lamb, but hope his arrival hourly, that we may take decisive measures for establishing an amity with those powers.

Mr. John Bapt. Pecquet, of Lisbon, who was the subject of an instruction to us of May 11, 1784, is now in Paris, and has applied for such acknowledgments for his services as may be thought proper. He seemed to desire most some appointment at Lisbon, either for himself or his son. We informed him none such were in our gift, and that all we could do in that line, would be to mention him to Congress, as worthy of their recollection, if they should make any appointment there analagous to his talents. We have written to Mr. Adams, proposing to give Mr. Pecquet, in addition to ten guineas which he has received for present supply, one hundred and fifty guineas, or perhaps four thousand livres, as a compensation for his expenses and good dispositions. His expenses on our prisoners had been about fifty moidores.

Our first letter to Congress was of the 11th November, and was sent by a Colonel Lemaire. Having lately re-

ceived proofs that he omitted to deliver private letters with which he was charged, though he saw in New York the persons to whom they were addressed, we begin to fear he was capable of omitting to deliver also that to the President of Congress. We are equally uncertain whether our subsequent letters may have got to hand. To relieve our anxieties on this subject, we will pray you to be so good as to inform us which of them may have been received. Their dates have been November 11, 1784, December 15, 1784, and February, 1785, addressed to the President of Congress, and March 18, April 13, and May 11, addressed to yourself.

With the highest esteem, we have the honor to be, &c.

B. FRANKLIN,

THOS. JEFFERSON.



FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, July 19, 1785.

Sir,

The King has entirely approved the projected treaty of commerce and friendship with the United States of America, which has been the result of our common labors, and as it is found in the last letter you have honored me with, bearing date of May 26th, of the present year. His Majesty consents, besides, that agreeably to your proposition, and that of your colleagues, the duration of the said treaty be fixed at ten years, and it is according to my instructions, that in the twenty-seventh article the term mentioned has been inserted. He orders

me now to proceed to the signature with the Ministers of the United States of America, and to digest, jointly with them, the introduction, according to that which has been used in the treaty of commerce which has been concluded with the King of Sweden. The annexed treaty, which I intend to sign, according to my powers, fulfils these different objects, and it only remains with me, to bring to your recollection, sir, the proposition which I have taken the liberty to make to you in my letter of June 17th last, to authorize Mr. Dumas Chargé d'Affaires at the Hague, to concur with me in the usual exchange. The King is only waiting for the instrument, signed by the American Plenipotentiaries, to cause the ratification of it to be transmitted in the usual manner.

I have the honor to be, &c.

DE THULEMEIER.



INSTRUCTIONS FROM THE COMMISSIONERS TO MR. SHORT.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia, having been arranged with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our other duties to repair to that place ourselves, for the purpose of executing and exchanging the instruments of treaty, we therefore appoint you special Secretary for that purpose.

You will receive from Colonel Humphreys, Secretary of our legation, the original of our full powers, and a

copy of the same attested by him, the full power heretofore communicated to us by the Baron de Thulemeier, and the two instruments of treaty arranged between us, each in two columns, the one in English and the other in French, equally originals. From us you receive a letter to Charles Dumas, Esq. agent for the United States at the Hague, associating him with you in the objects of your mission.

You will proceed immediately to the Hague, and being arrived there, will deliver the letter to Mr. Dumas, and proceed conjointly with him in the residue of your business, which is to be executed there.

The original of our full powers is to be exhibited to the Plenipotentiary of his Majesty the King of Prussia, and the attested copy is to be left with him, you taking back the original, you will in like manner ask an exhibition of the original of his full powers, and also a copy duly attested; you will compare the copy with the original, and being satisfied of its exactness, you will return the original and keep the copy. That you may be under no doubt whether the full powers exhibited to you be sufficient or not, you will receive from Col. Humphreys those which the Baron de Thulemeier heretofore sent to us. If those which shall be exhibited, agree with these in form or substance, they will be sufficient.

The full powers being approved on each side and exchanged, you will obtain the signature and seal of the Prussian Plenipotentiary to the two instruments of treaty with which you are charged, and yourself and Mr. Dumas will attest the same, one of those original instruments will remain in the hands of the Prussian Plenipotentiary, the other you will retain

You will ask that the ratification of his Majesty the King of Prussia, be made known to us as soon as it shall have taken place, giving an assurance on our part that that of Congress shall also be communicated as soon as it shall have taken place, when both ratifications shall be known, measures may be concerted for exchanging them. You will confer with the said Plenipotentiary, on the expediency of keeping this treaty uncommunicated to the public, until the exchange of ratifications, and agree accordingly.

You will then return to Paris, and re-deliver to the Secretary of our legation our original full powers, the copies of those of Prussia before mentioned, and the original instrument of the treaty which you shall have retained.



FROM MESSRS. ADAMS AND JEFFERSON TO C. F. W. DUMAS.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia, having been arranged by us with the Baron de Thulemeier his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our other duties to repair to that place ourselves for the purpose of executing and exchanging the instruments of treaty, we have delivered the same, duly executed on our part, to the bearer hereof, William Short, Esq. to be by him carried with the other necessary papers to the Hague. When arrived there, we ask and authorize you to manage in conjunction with him

the execution and exchange of the instruments of treaty according to the instructions which he receives from us, and will communicate to you. Your former attention to the interests of the United States and readiness to promote them, give us an assurance that you will not withhold them on the present occasion.

We have the honor to be, &c.

(At London.) JOHN ADAMS,

(At Paris.) THOS. JEFFERSON.

FROM THOMAS JEFFERSON TO THE BARON DE THULEMEIER ACCOMPANYING THE PRECEDING INSTRUMENTS.

Paris, July, 1785.

Sir,

I was honored with the receipt of your letter on the 21st inst. together with the French draft of the treaty proposed. As it ultimately meets his Majesty's approbation, Dr. Franklin our colleague having assisted us through the progress of this business, we were desirous he also should join in the execution, duplicate instruments were therefore prepared, each divided into two columns, in one of which we entered the English form as it had been settled between us, leaving the other blank to receive the French we expected from you. In this state, the Doctor before his departure put his signature and seal to the two instruments. We have since put into the blank column the French form received from you verbatim. As we thought that such instruments should not be trusted out of confidential hands, and the bearer hereof, William Short, Esq. heretofore a member of the

Council of State in Virginia, happened to be in Paris and willing to give us his assistance herein, they are delivered into his hands with other necessary papers according to an arrangement previously made between Mr. Adams, Dr. Franklin and myself. He will proceed to London to obtain Mr. Adams' signature and thence to the Hague, where we have according to your desire associated Mr. Dumas with him to concur with you in the final execution. It is with singular pleasure, I see this connexion formed by my country with a Sovereign whose character gives a lustre to all the transactions of which he makes a part.

I have the honor to be, &c.

THOS. JEFFERSON.

EIGHTH REPORT OF THE COMMISSIONERS TO CONGRESS,
ADDRESSED TO JOHN JAY SECRETARY FOR FOREIGN
AFFAIRS.

Paris, August 14, 1785.

Sir,

The letter of June 18, signed by Dr. Franklin and myself, is the last addressed to you from hence on the part of the general Commission. As circumstances rendered it necessary that the signature of the Prussian treaty, whenever it should be in readiness, should be made separately, the intervention of a person of confidence between the Prussian Plenipotentiary and us, became also requisite. His office would be to receive the duplicates of the treaty here, signed by Dr. Franklin and myself, to carry them to London to Mr. Adams, and to the Hague to

Baron Thulemeier, for their signature. Moreover, to take hence the original of our full powers, to shew to Baron Thulemeier, and the copy of his, which he had before communicated to us, to ask from him a sight of the original, to compare the copy with it and certify the latter to be true. Mr. Adams, Dr. Franklin and myself, therefore, had concluded to engage Mr. Short (a gentleman of Virginia who lives with me at present) to transact this business, and to invest him with the character of secretary *pro hac vice*, in order that his signature of the truth of the copy of Baron Thulemeier's full powers might authenticate that copy. On the receipt of the letter No. 1, therefore, from that Minister, Mr. Short set out hence with the necessary papers. By a letter lately received from him, I expect he left London for the Hague about the 10th inst. and that the treaty is ultimately executed by this time. In respect to the desire expressed by Baron Thulemeier in his letter, we associated Mr. Dumas with Mr. Short, to assist in the exchange of signatures and other ceremonies of execution. We agreed to bear Mr. Short's expenses, and have thought that a guinea a day (Sundays excepted) would be a proper compensation for his trouble and the necessary equipments of his journey, which could not enter into the account of his travelling expenses. I hope by the first safe conveyance to be able to forward to you the original of the treaty. No. 2 is my answer to Baron Thulemeier's letter, No. 3 our instructions to Mr. Short, and No. 4 our letter to Mr. Dumas.

Mr. Lamb's delay gives me infinite uneasiness. You will see by the enclosed papers, Nos. 5, 6, and 7, sent me by Mr. Carmichael, that the Emperor of Morocco,

at the instance of the Spanish Court, has delivered up the crew of the *Betsy*. No. 8, also received from Mr. Carmichael, is a list of articles given the Emperor of Morocco the last year by the States General. It is believed that the Spanish negotiator at Algiers, has concluded a peace with that State, and has agreed to give them a million of dollars, besides a very considerable quantity of things in kind. The treaty meets with difficulties in the ratification, perhaps the exorbitance of the price may occasion them. Rumors are spread abroad that they are pointing their preparations at us. The enclosed paper, No. 9, is the only colorable evidence of this which has come to my knowledge. I have proposed to Mr. Adams, that if Mr. Lamb does not come hither in the French or English packet then (August 6th) next expected, to send some person immediately to negotiate these treaties, on the presumption that Mr. Lamb's purpose has been changed. We shall be at a loss for the instructions of which he is said to be the bearer. I expect Mr. Adams' answer on this subject.

I have the honor to be, &c.

THOS. JEFFERSON.



Report of John Jay on a Treaty with Prussia.

Office for Foreign Affairs, }
March 9, 1786. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the treaty lately concluded with Prussia, and transmitted with a joint letter from Mr. Adams and Mr. Jefferson, reports:

That on considering the several articles in the said

treaty, he observes that each party is to enjoy in the dominions of the other, the same rights and privileges as to commerce, &c. as are or shall be granted to the most favored nation.

On this point, your Secretary adheres to the same opinion which he heretofore communicated to Congress in his report of 17th May last, on the draft of a treaty of amity and commerce, transmitted by the American Ministers. He also thinks that much of the reason in that report applies to certain other articles in the treaty under consideration.

Your committee suspects that the following article is a little equivocal, viz :

“More especially each party shall have a right to carry their own produce, manufactures and merchandize in their own or any other vessels, to any part of the dominions of the other, *where* it shall be lawful for all the subjects or citizens of that other freely to purchase them, and thence to take the produce, manufactures and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying, &c.”

Although the meaning of this article appears obvious, yet it might perhaps be construed to imply that there are or will be certain *free* ports, *where* every thing brought by, or belonging to, either party, may be freely sold and bought, in contradistinction to other ports and places, in the same dominion, *where* such liberty is not allowed. The intention of the article doubtless is, that such liberty is to be enjoyed at every port and place.

The latter part of the tenth article is not quite reciprocal, viz :

“ And where on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such *subject* shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, &c. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by the King of Prussia, to prevent the emigration of his subjects.

This latter clause reserves to the King of Prussia the right of making laws to prevent emigrations, but does not so limit the extent of these laws as that they shall not operate against the right to sell, &c. granted in the preceding one, for, instead of saying, that such laws shall not derogate in any manner from the true intent and meaning of this article, it says, that this article shall not derogate in any manner from the force of his laws, &c. besides, the like right is not reserved to the United States.

Upon the whole matter, and particularly considering that the duration of this treaty is limited to ten years, your Secretary thinks that it will be prudent and best to ratify it.

A year from the day of the signature is allowed for the exchange of ratifications. It appears to have been signed by

BARON THULEMEIER, September 10, 1785.

MR. ADAMS, August 5, 1785.

DOCTOR FRANKLIN, July 9, 1785.

MR. JEFFERSON, July 28, 1785.

This term of a year is doubtless to be computed from 10th September last, for as the Prussian Minister appears to have signed it last, and it was not until then complete, there can be no room for the questions that might have otherwise arisen on this subject.

All which is submitted to the wisdom of Congress.

JOHN JAY.

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NINTH REPORT OF THE COMMISSIONERS TO CONGRESS,
ADDRESSED TO JOHN JAY SECRETARY FOR FOREIGN
AFFAIRS.

Sir,

We have the honor to transmit to Congress, by Mr. Fitzhugh, the treaty between the United States and the King of Prussia, signed separately by your Ministers, at the several places of their residence, and by the Baron de Thulemeier at the Hague, in English and French, and exchanged at the Hague in presence of Messrs. Short and Dumas. As this treaty may be of considerable importance to the United States, and will certainly promote their reputation, it is certainly to be wished, that the ratification may be exchanged and the publication made as soon as possible. The admission of our privateers into the Prussian ports by a treaty signed at the moment of the negotiation of a league in which Brandenburg and Hanover are parties, is a little remarkable. It certainly merits the consideration of Congress and the States.

With great respect, &c.

London, 2nd October, 1785. JOHN ADAMS.

Paris, 11th October, 1785. THOS. JEFFERSON.

FROM THE COMMISSIONERS TO JOHN JAY.

Grosvenor Square, April 25, 1786.

Sir,

Soon after our meeting together in London, we had a conference with the Secretary of State for Foreign Affairs, in which we communicated to him, the joint commission of Congress, for negotiating a treaty of commerce with Great Britain, and left an attested copy of it in the hands of his Lordship. At the same time his Lordship was informed that as the commission was limited to two years duration, which would expire on the 12th of May, we should be ready to confer upon the subject of it with his Majesty's Ministers, but as one of us would be obliged to return in a short time to Paris, it was wished that an early opportunity might be taken to see upon what points we could agree, and to discuss those in which at first we might differ. His Lordship after harping a little on the old string, the insufficiency of the powers of Congress to treat and compel compliance with treaties, said he would lay the matter before the Ministry and the King. In a few days his Lordship meeting one of us, proposed in his own name and that of Mr. Pitt, that as the project already communicated contained many political regulations, we should propose a project of a treaty merely commercial. The next day at the office, it was said to the under Secretary of State, Mr. Frasier, his Lordship not being there, that the project already prepared, was in our opinion the best that could be proposed for the mutual interest of the two nations, but if any part of it were objectionable in the minds of the Ministry, we were ready to enter into a

candid disquisition of them and to receive any counter project, which might contain the sense of the cabinet, but until we know which articles were objected to, it would be vain for us to attempt a new draft. We could only repeat the proposition of the former one. Mr. Frasier reported this conversation to his principal, who directed him to write us that as the former project contained many political regulations, his Lordship wished to receive a plan of a treaty merely commercial, we accordingly sent five or six articles of the former plan and proposed them as a treaty of commerce, which we suppose would be a good one, and except in one point as complete as we can expect. The point we mean is the privilege of ships built in the United States. It is much to be wished that such ships might enjoy in the British dominions as ample privileges as British built ships, whether owned or navigated by Americans or not, and we should now add an article to that purpose, if there was the smallest symptom of an intimation to treat at all. But there is not. There is no party nor individual here in favor of a treaty; but upon the principle that the United States will retaliate, if there is not one. All agree that if America will suffer England to *pocket* (that is the expression) all her navigation, England would be unwise not to avail herself of the advantage.

The negotiation with Portugal is brought to a conclusion, as far as her Minister here has authority to proceed. We propose to execute the treaty, and hope to see the counterpart executed by the Chevalier de Pinto, before our commission expires. The treaty itself, shall be transmitted to Congress as soon as it is finished, and we shall

not trouble you with a tedious detail of projects and counter-projects. Yet the enclosed copies of parts of a letter, concerning flour and privateering and contraband, may be necessary for our justification.

We have the honor to enclose copies of letters from Mr. Carmichael of the 5th April, from Mr. Barclay of the 5th April, from the Count d'Espilly and Mr. Lamb to Mr. Carmichael, dated Algiers 26th March.

We have every reason to fear that the negotiations with the Turks will be very tedious and expensive upon the present plan, and without success. Our commission to Constantinople expires in a few days, and we have no new commission to this power, which enables us to find agents; and indeed the Sublime Porte is so great a power, that its dignity would be offended if such a measure were attempted. There are reasons to expect that a Minister to that Court would be well received, and that our commerce and naval stores would be then an object.

With great respect, &c.

JOHN ADAMS,
THOS. JEFFERSON.

FROM THE COMMISSIONERS TO THE MARQUIS OF CARMARTHEN.

Grosvenor Square, April 4, 1786.

My Lord,

Agreeably to your Lordship's request, expressed to one of us in conversation, and again communicated to us through Mr. Frasier, we have drawn up the enclosed pro-

ject of a treaty of commerce, which we do ourselves the honor to propose to the consideration of his Majesty's Ministers.

We have the honor to be, &c.

JOHN ADAMS,

THOS. JEFFERSON.

ARTICLE I. The subjects of his Britannic Majesty may frequent all the coasts and countries, bays, harbors, creeks, rivers and ports, of the United States of America, and reside and trade there in all sorts of produce, manufactures and merchandize, in ready built ships, and shall pay, within the said United States, no other or greater duties, charges or fees, whatsoever, than the natural born citizens of the United States themselves, are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions, in trade, navigation and commerce, which the natural born citizens of the said United States do, or shall enjoy.

ARTICLE II. In like manner, the citizens of the United States of America may frequent all the coasts and countries, bays, harbors, creeks, rivers and ports, of his Britannic Majesty, and reside and trade there in all sorts of produce, manufactures and merchandize, and shall pay in the dominions of his said Majesty, no other or greater duties, charges or fees, whatsoever, than the natural born subjects of Great Britain are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions, in trade, navigation and commerce, which the natural born subjects of Great Britain do, or shall enjoy;

saving, nevertheless, to the chartered companies trading to the East Indies and to Hudson Bay, their rights.

ARTICLE III. More especially, each party shall have a right to carry all kinds of produce, manufactures and merchandize, of whatever place they may be the growth or manufacture, in their own vessels, navigated by their own or any other seamen, to any parts of the dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take produce, manufactures and merchandize, of whatever place or growth, which all persons shall, in like manner, be free to sell them, paying, in both cases, such duties, charges and fees, only, as are or shall be paid by the natural born subjects of Great Britain, in the dominions of his Britannic Majesty, and the natural born citizens of the said United States within their dominions; nevertheless, each party reserves to itself the right to prohibit, in their respective countries, the exportation or importation of any species of goods or commodities whatsoever. In this case, the subjects or citizens of either of the contracting parties, shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any person of their own or any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE IV. His Britannic Majesty and the United States of America, agree that this treaty shall be in force during years from the exchange of ratifications; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signatures.

ARTICLE v. The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, agents and commissaries, of their own appointment. But if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.



FROM THE COMMISSIONERS TO JOHN JAY.

Grosvenor Square, March 28, 1786.

Sir,

Soon after the arrival of Mr. Jefferson in London, we had a conference with the Ambassador of Tripoli, at his house.

The amount of all the information we can obtain from him, was, that a perpetual peace was in all respects the most advisable, because a temporary treaty would leave room for increasing demands upon every renewal of it, and a stipulation for annual payments would be liable to failures of performance, which would renew the war, repeat the negotiations, and continually augment the claims of his nation, and the difference of expence would by no means be adequate to the inconvenience, since 12,500 guineas to his constituents, with ten per cent upon that sum for himself, must be paid if the treaty was made for only one year.

That 30,000 guineas for his employers and £3,000 for himself, was the lowest terms upon which a perpetual peace could be made, and that this must be paid in cash on the delivery of the treaty signed by his Sovereign; that no kind of merchandizes could be accepted.

That Tunis would treat upon the same terms, but he could not answer for Algiers or Morocco.

We took the liberty to make some enquiries concerning the ground of their pretensions to make war upon nations who had done them no injury, and observed that we considered all mankind as our friends who had done us no wrong, nor had given us any provocation.

The Ambassador answered us, that it was founded on the laws of their Prophet, that it was written in their koran, that all nations who should not have acknowledged their authority, were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as prisoners, and that every Mussulman who was slain in battle was sure to go to Paradise.

That it was a law, that the first who boarded an enemy's vessel should have one slave more than his share with the rest, which operated as an incentive to the most desperate valor and enterprize, that it was the practice of their corsairs to bear down upon a ship, for each sailor to take a dagger in each hand and another in his mouth, and leap on board, which so terrified their enemies that very few ever stood against them; that he verily believed the devil assisted his countrymen, for they were almost always successful. We took time to consider, and promised an answer, but we can give him no other, than that the demands exceed our expectation, and that of Congress, so much, that we can proceed no further without fresh instructions.

There is but one possible way that we know of to procure the money, if Congress should authorize us to go to the necessary expense, and that is, to borrow it in Hol-

land. We are not certain it can be had there, but if Congress should order us to make the best terms we can with Tunis, Tripoli and Morocco, and to procure this money wherever we can find it, upon terms like those of the last loan in Holland, our best endeavor shall be used to remove this formidable obstacle out of the way of the prosperity of the United States.

Enclosed is a copy of a letter from Paul R. Randall, Esq. at Barcelona, the last from Mr. Barclay was dated Bayonne. It is hoped we shall soon have news from Algiers and Morocco, and we wish it may not be made more disagreeable than this from Tunis and Tripoli.

JOHN ADAMS,
THOMAS JEFFERSON.



*Report of John Jay on a joint letter from Messrs.
Adams and Jefferson.*

Office for Foreign Affairs, }
May 29, 1786. }

The Secretary of the United States for the department of Foreign Affairs, to whom was referred a joint letter from Mr. Adams and Mr. Jefferson of 28th March last, together with a motion of the honorable Mr. Pinckney on the subject of it, Reports :

That those gentlemen in this letter mention that in a conference with the Ambassador of Tripoli, he informed them, " that 12,500 guineas to his constituents, with ten per cent. on that sum for himself, must be paid if the treaty was made for only a period of one year.

That thirty thousand guineas for his employers, and

three thousand for himself were the lowest terms, on which a *perpetual* peace could be made.

That TUNIS would treat on the same terms, but that he could not answer for Algiers or Morocco.

They further observe that if Congress should order them to make the best terms they can with Tunis, Tripoli, Algiers and Morocco, and to procure the money wherever they can find it, upon terms like those of the last loan in Holland, their best endeavors should be used, &c.

The motion in question proposes an instruction conformable to the above suggestion.

Two questions seem to arise on this letter :

1st. Whether those Ministers shall be authorized and instructed to make the best terms with those powers.

2nd. Whether they shall be authorized and instructed to endeavor to borrow money in Europe for the purpose.

Your Secretary thinks full confidence may be reposed in the integrity and discretion of those Ministers, and therefore is of opinion, that it would be expedient to leave the terms of the proposed treaties to their prudence.

As to authorizing and instructing them to endeavor to borrow money for the purpose in Europe, your Secretary much doubts the policy of it.

The probability of their borrowing so much money appears questionable.

Because those nations to whom our war with the Barbary States is not disagreeable, will be little inclined to lend us money to put an end to it.

Because no funds are yet provided for paying even the interest of our former loans, either foreign or domestic.

Because the payments due to France, though pressed, have not been completed.

Because the reluctance of the States to pay taxes, or to comply with the economical requisitions of Congress, or to give efficacy to their federal Government, are topics of common conversation in Europe.

If a loan should be attempted and not succeed, the credit and respectability of the United States would be diminished by the attempt.

Your Secretary thinks, that neither individuals nor States should borrow money without the highest probability at least of being able punctually to repay it; and that States should never attempt a loan, without having previously formed and arranged adequate funds for its discharge.

It appears to your Secretary, improper to open such a loan, even if the success of it were certain.

Because, as the federal Government, in its present state, is rather paternal and persuasive, than coercive and efficient, Congress can make no certain dependence on the States for any specific sums to be required and paid at any given periods, and consequently are not in capacity safely to pledge their honor and their faith for the repayment of any specific sums they may borrow, at any given period, which must be the case if they should make this or any other loan.

Because, as the people or generality will never provide for the public expenses, unless when moved thereto by constitutional coercion, or by the dictates of reason, or by their feelings; and as the first of these motives is here out of the question, your Secretary thinks it probable that the States, on being applied to, will be more disposed to supply money to purchase these treaties of

peace, while they feel the evils resulting from the war, than they will to supply money to repay borrowed sums, when all their fears and dangers from Sallee rovers, Algerine corsairs, and the pirates of Tunis and Tripoli, are vanished and gone.

For these reasons your Secretary is much inclined to think that a fair and accurate state of the matter should be transmitted to the States—that they should be informed that the sum of will be necessary to purchase treaties from the Barbary States, and that until such time as they furnish Congress with their respective proportions of that sum, the depredations of those barbarians will, in all probability, continue and increase.

All which is submitted to the wisdom of Congress.

JOHN JAY.





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THE
CORRESPONDENCE

OF

THOMAS JEFFERSON,

ONE OF THE COMMISSIONERS FOR THE FORMATION OF
TREATIES OF AMITY AND COMMERCE, AND MIN-
ISTER PLENIPOTENTIARY TO FRANCE,

WITH

THE ANSWERS OF JOHN JAY,
SECRETARY FOR FOREIGN AFFAIRS.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, March 15, 1785.

Sir,

I have the honor of transmitting to you, herewith enclosed, an extract from the journal of Congress, respecting your appointment to represent the United States at the Court of Versailles, as their Minister. On which be pleased to accept my sincere congratulations.

The next packet will bring you a letter of credence, and such other papers as this appointment may, in the opinion of Congress, render proper.

Mr. Randall, who is the bearer of this, has also in charge a packet of newspapers, directed to Mr. Adams, Dr. Franklin, and yourself.

I have the honor to be, &c.

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
March 22, 1785. }

Sir,

The packet being still here, I have the honor of transmitting to you, herewith enclosed, your commission and letter of credence. Mr. Randall, who goes as a passenger in the packet, has my other letters, and will be the bearer of this. Permit me to recommend him to your attention.

I have the honor to be &c.

JOHN JAY.

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Extract from the Secret Journal of Congress.

March 22, 1785.

“The Secretary for Foreign Affairs, reported the following commission to Mr. Jefferson, to which the seal was affixed.

*The United States of America in Congress assembled,
to our trusty and well beloved Thomas Jefferson, Esq.
send greeting :*

We, reposing special trust and confidence in your integrity, prudence and ability, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said Thomas Jefferson, our Minister Plenipotentiary to reside at the Court of his most Christian Majesty ; and do give you full power and authority there to represent and to do and perform all such matters and things as to the said place or office doth appertain, or as may by our instructions be given unto

you in charge. This commission to continue in force for the space of three years from this day, unless sooner revoked.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness his Excellency Richard Henry Lee, President, at the city of New York, this tenth day of March, one thousand seven hundred and eighty five, and of our sovereignty and independence the ninth.

RICHARD HENRY LEE.

Attest: CHARLES THOMPSON.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
April 15, 1785. }

Sir,

Mr. Randall who sailed in the last French packet, was charged with despatches for you, and other Ministers. Among them were your commission, &c. to succeed Dr. Franklin at the Court of Versailles.

The probability of your now being in England renders it less necessary and perhaps expedient that I should not go into minute details: especially as this letter would in that case pass through the British Post Office.

I enclose a "statement of the duties payable by vessels of the United States in the ports of Marseilles, Bayonne, L'Orient and Dunkirk." You may find it useful on several occasions.

Two of the commissioners lately appointed for the treasury, viz: Mr. Osgood and Mr. Walter Livingston, have accepted and proceeded to business. The third,

viz: Mr. Gervais, of South Carolina, having declined, another will soon be elected to supply his place. So we may hope soon to see the affairs of that department arranged and regulated.

The making adequate provision for our debts, and other exigencies of government, has been too long delayed and still meets with obstacles. An opinion of the necessity of it however gains ground, and I flatter myself will eventually become general and operative.

I have the honor to be, &c.

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 11, 1785.

Sir,

I was honored, on the 2d instant, with the receipt of your favor of March 15th, enclosing the resolution of Congress of the 10th of the same month, appointing me their Minister Plenipotentiary at this Court; and also of your second letter of March 22d, covering the commission and letter of credence for that appointment.

I beg permission, through you, sir, to testify to Congress my gratitude for this new mark of their favor, and my assurances of endeavoring to merit, by a faithful discharge of the duties annexed to it.

Fervent zeal is all which I can be sure of carrying into their service, and where I fail through a want of those powers which nature and circumstances deny me, I shall rely on their indulgence, and much also on the candor with which your goodness will present my proceedings to their eye. The kind terms in which you are pleased to

notify this honor to me, require my sincere thanks. I beg you to accept them, and to be assured of the perfect esteem with which I have the honor to be, sir, &c.

TH. JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 15, 1785.

Sir,

As it frequently happens that we cannot meet with passengers going hence to the packet, to whom we may commit our letters, and it may be often necessary to write to you on subjects improper for the inspection of this Government, to which the letters by post are subject, I have made out a cypher, which I now enclose, and deliver to young Mr. Adams, who will have the honor of delivering you this.

The plate and impression have been made under my own eye, with circumstances of such caution as may give you the most perfect confidence in it.

I have the honor to be, &c.

TH. JEFFERSON.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
June 15, 1785. }

Sir,

I have had the honor of receiving the joint letters from Mr. Adams, Dr. Franklin, and yourself, with their several enclosures of — December, 1784, and 9th February, 18th March and 13th April, 1785.

VOL. II.—45

At present, I am not charged with communicating to you any instructions of Congress on the subjects of them, though it is possible they may give occasion to some.

I have now the honor of transmitting to you, herewith enclosed, a letter from Congress to his most Christian Majesty; and for your satisfaction, I also enclose a copy of it. Permit me to hint, that as the United States have a Minister Plenipotentiary residing at the Court of Versailles, it is natural for them to expect one from thence.

I have directed a packet of the latest newspapers, to be prepared and sent with this, from which, you will be enabled to acquire a knowledge of the most material public occurrences in detail.

Our commercial people grow uneasy and dissatisfied with restrictions on our foreign trade, and particularly, with the British dominions. This uneasiness promotes the system of perfecting our Union, and strengthening the Federal Government. There is reason to hope that the legislatures, in the ensuing winter sessions, will direct much of their attention to these important objects.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
July 13, 1785. }

Sir,

Since mine to you of the 15th June last, which mentioned to you the receipt of such of your letters as had then come to hand, I have not been favored with any from

you. Those letters were immediately laid before Congress, and are still under their consideration. Whether any, and what further resolutions or instructions will result from their deliberations, is as yet, uncertain; and, therefore, lest their sentiments and mine should clash, I forbear saying any thing officially on the subject for the present.

The convention respecting Consuls, or rather a copy of it, sent by Doctor Franklin, has also been received, and laid before Congress; they have taken it into consideration, but have as yet come to no resolutions.

We have intelligence (which, though not entirely authentic, is believed by many,) that the British are enticing our people to settle lands within our lines, under their government and protection, by gratuitous supplies of provisions, implements of husbandry, &c. The truth of this report will soon be ascertained; I wish it may prove groundless; if true, the evacuation of the frontier posts is not to be expected, and another war is to be looked and prepared for.

We suppose, but have not heard, that Mr. Adams is in London. We are anxious to receive letters from him, and to learn with certainty, the intentions of that Court, with respect to those posts, and other interesting subjects.

M. Gardoqui has at length arrived. He is charged with the affairs of Spain, with Plenipotentiary powers.

Congress appointed Governor Livingston to succeed Mr. Adams at the Hague, but he declining it, they have since elected Governor Rutledge, whose answer cannot be expected for some time yet.

I have the honor to be, &c.

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
August 13, 1785. }

Dear Sir,

Since the date of my last to you, which was the 13th ultimo, I have been honored with your joint letter of the 11th May, and with two others from you of the same date.

As yet, Congress have not communicated to me any resolutions on the subjects of the several letters from their Ministers, which have been received and laid before them, and the convention respecting consular powers, is still under their consideration.

The Board of Commissioners for the Treasury is now complete, Congress having been pleased to appoint Mr. Arthur Lee to be one of them.

The answer of Governor Rutledge, who has been elected for the Hague, has not yet come to hand.

A requisition on the States, for supplies, is preparing, and it is thought will pass in the course of the next month. If punctually complied with, it will greatly re-establish our credit with those who entertain doubts respecting it.

Our harvest is good, and though the productions of the country are plenty, yet they bear a high cash price—so that the complaint of the want of money in the country, is less well founded, than a complaint of distrust and want of credit between man and man would be, for the apprehension of paper money alarms those who have any thing to lend, while they who have debts to pay, are zealous advocates of the measure. Until that matter is

decided, there will be little credit, and I sometimes think the less the better.

The letters I have received from Mr. Adams, were written immediately after his presentation, and contain nothing of business, so that our suspense on certain interesting points, still continues.

I herewith enclose, by order of Congress, some papers on the subject of our trade with the French, which it may be useful for you to know the contents of; and also some late newspapers, which, though not very interesting, may not be altogether useless.

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 17, 1785.

Sir,

I had the honor of addressing you on the 11th of last month, by young Mr. Adams, who sailed in the packet of that month: that of the present is likely to be retarded to the first of July, if not longer.

On the 14th of May, I communicated to the Count de Vergennes my appointment as Minister Plenipotentiary to this Court, and on the 17th delivered my letter of credence to the King, at a private audience, and went through the other ceremonies usual on such occasions.

We have reason to expect that Europe will enjoy peace another year. The negotiations between the Emperor and United Netherlands have been spun out to an unexpected length, but there seems little doubt but that they will end in peace.

Whether the exchange projected between the Empe-

ror and Elector of Bavaria, or the pretensions of the former, in his line of demarcation with the Ottoman Porte, will produce war, is yet uncertain. If either of them does, this country will probably take part in it, to prevent a dangerous accession of power to the house of Austria. The zeal with which they have appeared to negotiate a peace between Holland and the Empire, seems to prove that they do not apprehend being engaged in war against the Empire or any other power, because, if they had such an apprehension, they would not wish to deprive themselves of the assistance of the Dutch: and their opinion on this subject is better evidence than the details we get from the newspapers, and must weigh against the affected delays of the Porte, as to the line of demarcation, the change in their Ministry, their preparations for war, and other symptoms of like aspect.

This question is not altogether uninteresting to us. Should this country be involved in a continental war, while differences are existing between us and Great Britain, the latter might carry less moderation into the negotiations for settling them.

I send you herewith the gazettes of Leyden and that of France for the last two months. The latter, because it is the best in this country; the former, as being the best in Europe. The *Courier de l'Europe* you will get genuine from London, as reprinted here it is of less worth.

Should your knowledge of the newspapers of this country lead you to wish for any other, I shall take the greatest pleasure in adding to the regular transmissions of the two others, which I shall make you in future.

I have the honor to be, &c.

TH: JEFFERSON.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, September 14, 1785.

Dear Sir,

Your joint letters of the 11th November and December, 1784, were received by Congress. I have had the honor of receiving other joint ones of 9th February, 13th April, 11th May, and 18th June, last; and also three from you, viz: two of the 11th May, and one of the 17th June, last.

By the last packet, I had the pleasure of writing two letters to you of the 13th August, 1785, which I hope have come safe to your hands.

As yet, I have heard nothing of or from Captain Lamb, who was the bearer of several important papers relative to our affairs with the Barbary States.

Your correspondence with Mr. Adams, doubtless, furnishes you with ample information relative to the objects of his Legation. His letters to me were dated at a time when he had not yet entered on business. His reception is satisfactory, and I wish the result of his negotiations may be equally so. In my opinion, we have little to expect from the liberal policy of that Court. If we obtain justice from them, my expectations will be fulfilled; but even of that, I am not without my doubts.

I wish it was in my power to enter minutely into the subjects of your letters, but it is not. They still remain, with my reports on some of them, under the consideration of Congress; so that at present, I am not enabled to convey to you their sentiments respecting those matters.

At present they are employed in forming a requisition for supplies—when completed, you shall have a copy of it.

The affair of Longchamps is agreeably terminated. His most Christian Majesty will not persist in that demand, and the paper containing it has been returned to M. de Marbois, in consequence of a conference I had with him on that subject. I admire the wisdom of the French Minister in forbearing to press this point. It would have produced discontent, without answering useful purposes. I am sure he has gained more with us by this temperate and prudent conduct, than could possibly have been done by harsh and irritating measures.

Governor Rutledge declines going to Holland, so that it is yet uncertain who will succeed Mr. Adams there.

The vacant seat at the Treasury Board, has been given to Mr. A. Lee. That Board is now full, and consists of Mr. Osgood, Mr. Walter Livingston and Mr. A. Lee.

A Court to decide the controversy between Massachusetts and New York, is to meet this fall at Williamsburgh. It is much to be wished that all our boundaries were adjusted; and that the vigor of Government may abate the rage for making new States out of parcels of the old, which prevails in some of them. North Carolina and this State, suffer by such unauthorized proceedings, and Massachusetts has her fears. Our Federal Government wants power, and is, in many respects, inadequate to its objects. Much is expected from the ensuing sessions of the Legislature; but, for my part, I think the love of popularity restrains many from promoting the measures which, though essential to the public welfare, may not be pleasant to the many whose views and wishes are chiefly personal.

The papers herewith enclosed, are a copy of a letter to me from Mr. Shaw, and a letter from me to his Excellency the President, respecting it. Congress adopted

the opinion I expressed in the letter, and referred it to me to take order. As both letters are particular and in detail, it would be useless to repeat in this, what you will find in them.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, September 15, 1785.

Sir,

I herewith enclose a letter from Count de Vergennes, and also a copy of it for your perusal and information. Although certain circumstances have left to M. de Marbois, a less share in the confidence and attachment of our people, than it was in his power to have acquired, yet, his conduct as Chargé d'Affaires having been unexceptionable, he merited, and has received commendation for it. He is still here, and until his departure, Mr. Otto will probably postpone entering on the business of his place. The idea of Chevalier de la Luzerne's return still prevails, and I think it would be useful that he should, because it is generally thought that his private sentiments and wishes are friendly to this country. It is much in the power of Ministers to cherish or diminish harmony; and it is much to be wished that France may send none here, who may be more disposed to blame than to approve. The Chevalier already possesses rank and character, and therefore is not exposed to temptations to endeavor to raise himself by the means of the first step he may meet with, whether clean or otherwise.

I am, dear sir, &c.

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 12, 1785.

Sir,

My last letter to you was dated the 17th of June. The present serves to cover some papers put into my hands by Captain Paul Jones. They respect an ancient matter, which is shortly this.

While captain Jones was hovering on the coast of England, in the year 1779, a British pilot, John Jackson by name, came on board him, supposing him to be British. Captain Jones found it convenient to detain him as a pilot, and, in the action with the *Serapis*, which ensued, this man lost his arm. It is thought that this gives him a just claim to the same allowance with others who have met with the like misfortune in the service of the United States. Congress alone being competent to this application, it is my duty to present the case to their consideration, which I beg leave to do through you.

Doctor Franklin will be able to give you so perfect a statement of all transactions relative to his particular office in France, as well as to the subjects included in our general commission, that it is unnecessary for me to enter on them. His departure, with the separate situation of Mr. Adams and myself, will render it difficult to communicate to you the future proceedings of the commission, as regular as they have been heretofore. We shall do it, however, with all the punctuality practicable, either separately or jointly, as circumstances may require and admit.

I have the honor to be, &c.

TH: JEFFERSON.

FROM PAUL JONES TO B. FRANKLIN.

Paris, September 23, 1785.

Sir,

I return you enclosed the letter addressed to you by John Jackson, pilot of Hull, dated at Hull the 16th October 1780. The certificate joined with that letter is (at least in substance) a copy of the one I gave him at the Texel, after his arm had been amputated and he had recovered. It does however, I observe, take notice that a second pilot boat came off from the Spurn immediately after that belonging to Jackson. I had occasion to detain both of these boats, and it was on board the second that the partner of Jackson embarked from the Bon Homme Richard, before the action with the Serapis. The second lieutenant of the Bon Homme Richard was with 20 men, all the time of the battle on board Jackson's pilot boat at a distance, and when I found it impossible to prevent the Bon Homme Richard from sinking, Jackson's pilot was of singular service in saving the men, particularly the wounded, some of whom I am persuaded would have been drowned, had I been without that means of saving them.

Humanity and justice require that I should earnestly recommend that unfortunate man, John Jackson, for a reward for the important service he performed, and the great loss and suffering he sustained. I thought, and I think still he merited half pay as a pilot in the service of the United States, which I believe is six dollars per month.

I have the honor to be, &c.

PAUL JONES.

FROM JOHN JACKSON TO THE AMERICAN AMBASSADOR AT
THE COURT OF FRANCE.

Hull, October 16, 1780.

Sir,

This is to certify by the copy you will receive enclosed, that John Jackson, a pilot of the town of Kingston upon Hull in England, was on board Captain Paul Jones in the action of 22nd September, 1779, in which the said John Jackson, the pilot, had the misfortune to lose an arm in the action, therefore Mr. Paul Jones gave John Jackson, an hundred ducats, and at the same time promised him, that he should be paid by the American Ambassador at the Court of France half pay of a pilot, the remainder of his life, to commence from the 22nd day of September, 1779, payable every six months, therefore humbly begs you will take his case into consideration, that he may be paid agreeably to Mr. Paul Jones' writing as he is rendered incapable of getting bread for his poor family.

Witness his hand this 16th October, 1780,

Who is sir, &c. his

JOHN ✕ JACKSON.

mark.

Witness :

BENJAMIN LISTER,

WILLIAM ANDREW.

N. B. The mayor of this town has taken the real writing from me by which me and my family are very much distressed.

his

JOHN ✕ JACKSON.

mark.

If it please your Excellency to send me any thing at present, I shall be obliged to you to direct it for John Jackson, to be left for him at Captain Ary de Jong, one of the Hull traders at Ostend.*



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, November 2, 1785.

Sir,

My last to you was of the 15th September, since which I have been honored with yours of the 12th July by Doctor Franklin. He arrived at Philadelphia in as good health as when he left France; but travelling by land being painful to him, we have not had the pleasure of seeing him here.

We have been for some time past, looking in vain, for a French packet. Late advices of the Algerines having commenced hostilities against the United States, make us anxious to receive letters from you, and to know whether Captain Lamb is still absent. Duplicates of the papers he was charged with, will be sent to-morrow, to Mr. Adams, by a passenger in the English packet.

The English give us some trouble on our eastern borders, the true river St. Croix is disputed, and they wish to extend their jurisdiction to lands actually held by Massachusetts. Mr. Adams has instructions to represent this matter to the British Court, and endeavor to get the dispute amicably terminated.

*For letter of Doctor Franklin and other papers on this subject, see page 81 et seq. of this vol.

Our frontier posts still remain occupied by British garrisons, nor are we informed when they will be evacuated.

The late requisition of Congress has been sent you; another copy, and the subsequent public papers accompany this. The measures of the legislatures at their ensuing sessions, will be very interesting; and you shall be informed of them.

The convention respecting Consuls still lays before Congress, and I have as yet no orders on that subject.

Mr. Houdon is the bearer of this. Congress think of employing him, but he is not prepared to make an estimate of the expense of the statue they have voted, so that this matter must rest for the present.

A federal court, to decide the claims of Massachusetts on the part of New York, is forming; and there is reason to hope that disagreeable business will be finally concluded.

I have the honor to be, &c.

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 14, 1785.

Sir,

I was honored, on the 22d ultimo, with the receipt of your letter of June 15th, and delivered the letter therein enclosed, from the President of Congress, to the King. I took an opportunity of asking the Count de Vergennes whether the Chevalier Luzerne proposed to return to America? He answered me that he did, and that he was here for a time, only to arrange his private affairs. Of course this stopped my proceeding further, in compliance

with the hint in your letter. I knew that the Chevalier Luzerne still retained the character of Minister to Congress, which occasioned my premising the question I did. But notwithstanding the answer, which indeed was the only one the Count de Vergennes could give me, I believe, that it is not expected that the Chevalier will return to America; that he is waiting an appointment here to some of their embassies or some other promotion, and in the meantime, as a favor, is permitted to retain his former character. Knowing the esteem borne him in America, I did not suppose it would be wished that I should add any thing which might occasion an injury to him, and the rather, as I presumed that at this time there did not exist the same reason for wishing the arrival of a Minister in America, which perhaps existed there at the date of your letter.

Count Adhemar has just arrived from London, on account of a paralytic disease with which he has been struck. It does not seem improbable that his place will be supplied, and perhaps by the Chevalier de la Luzerne.

A French vessel has lately refused the salute to a British armed vessel in the channel. The Chargé d'Affaires of Great Britain at this Court, (their Ambassador having gone to London a few days ago,) made this the subject of a conference with the Count de Vergennes on Tuesday last. He told me that the Count explained the transaction as the act of the individual master of the French vessel, not founded in any public orders. His earnestness and his endeavors to find terms sufficiently soft to express the Count's explanation, had no tendency to lessen any doubts I might have entertained on this subject. I think it possible the refusal may have been

by order ; nor can I believe that Great Britain is in a condition to resent it, if it was so. In this case we shall see it repeated by France, and the example will then be soon followed by other nations.

The news writers bring together this circumstance with the departure of the French Ambassador from London, and the English Ambassador from Paris, the manœuvring of a French fleet just off the channel, the collecting some English vessels of war in the channel, the failure of a commercial treaty between the two countries, a severe *arrêt* here against English manufactures, as foreboding war.

It is possible that the fleet of manœuvre, the refusal of the salute, and the English fleet of observation, may have a connexion with one another. But I am persuaded the other facts are totally independent of these and of one another, and are accidentally brought together in point of time. Neither nation is in a condition to go to war. Great Britain indeed the least so of the two. The latter power, or rather its monarch, as Elector of Hanover, is lately confederated with the King of Prussia and others of the Germanic body, evidently in opposition to the Emperor's designs on Bavaria. An alliance too, between the Empress of Russia and Republic of Venice, seems to have had him in view, as he had meditated some exchange of territory with that Republic.

This desertion of the powers heretofore thought friendly to him, seems to leave no issue for his ambition but on the side of Turkey. His demarcation with that country is still unsettled. His difference with the Dutch is certainly agreed. The articles are not yet made public ; perhaps not quite adjusted. Upon the whole, we may count on another year of peace in Europe, and that our

friends will not within that time be brought into any embarrassments, which might encourage Great Britain to be difficult in settling the points still unsettled between us.

You have doubtless seen in the papers that this Court was sending two vessels into the South Sea, under the conduct of a Captain Peyrouse. They give out that the object is merely for the improvement of our knowledge of the geography of that part of the globe, and certain it is that they carry men of eminence in different branches of science. Their lading however, as detailed in conversations, and some other circumstances, appeared to me to indicate some other design; perhaps that of colonizing on the western coast of America, or perhaps only to establish one or more factories there for the fur trade.

We may be little interested in either of these objects; but we are interested in another, that is to know whether they are perfectly weaned from the desire of possessing continental colonies in America. Events might arise, which would render it very desirable for Congress to be satisfied they have no such wish. If they would desire a colony on the western side of America, I should not be quite satisfied that they would refuse one which should offer itself on the eastern side. Captain Paul Jones being at L'Orient, within a days journey of Brest, where Captain Peyrouse's vessels lay, I desired him, if he could not satisfy himself at L'Orient of the nature of this equipment, that he would go to Brest for that purpose; conducting himself so as to excite no suspicion, that we attended at all to this expedition. His discretion can be relied on, and his expenses for so short a journey, will be a trifling price for satisfaction on this point. I hope

therefore that my undertaking, that the expenses of his journey shall be reimbursed him, will not be disapproved.

A gentleman lately arrived from New York, tells me that he thinks it will be satisfactory to Congress to be informed of the effect produced here, by the insult of Longchamps to Monsieur de Marbois. Soon after my arrival in France, last summer, it was the matter of a conversation between the Count de Vergennes and myself. I explained to him the effect of the judgment against Longchamps, he did not say that it was satisfactory, but neither did he say a word from which I could collect, that it was not satisfactory. The conversation was not official because foreign to the character in which I then was. He has never mentioned a word on the subject to me since, and it was not for me to introduce it at any time. I have never once heard it mentioned in conversation by any person of this country, and have no reason to suppose that there remains any uneasiness on the subject. I have indeed been told that they had sent orders to make a formal demand of Longchamps from Congress and had immediately countermanded these orders. You know whether this be true, if it be, I should suspect the first orders to have been surprised from them by some exaggeration, and that the latter was a correction of their error, in the moment of further reflection; upon the whole there certainly appears to me no reason to urge the State in which the fact happened to any violation of their laws, nor to set a precedent, which might hereafter be used in cases more interesting to us than the late one.

In a late conversation with the Count de Vergennes, he asked me if the condition of our finances was im-

proving. He did not make an application of the question to the arrearages of their interest, though, perhaps, he meant that I should apply it; I told him the impost still found obstacles, and explained to him the effects, which I hoped from our land office.

Your letter of the 15th of April, did not come to hand till the 27th ult.

I enclose a letter from Mr. Dumas to the President of Congress, and accompany the present with the Leyden Gazettes, and Gazette of France, from the date last sent you to the present time.

I have the honor to be, &c.

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 14, 1785.

Sir,

The letter of June 18th, signed by Doctor Franklin and myself, is the last addressed to you from hence, on the subjects of the general commission.

As circumstances rendered it necessary that the signature of the Prussian treaty, whenever it should be in readiness, should be made separately, the intervention of a person of confidence between the Prussian Plenipotentiary and us, became also requisite. His office would be to receive the duplicates of the treaty here, signed by Doctor Franklin and myself, to carry them to London to Mr. Adams, and to the Hague to Baron Thulemeier, for their signature. Moreover, to take hence the original of our full powers to show to Baron Thulemeier, and the

copy of his, which he had before communicated to us, to ask from him a sight of the original, to compare the copy with it, and certify the latter to be true.

Mr. Adams, Dr. Franklin and myself, therefore, had concluded to engage Mr. Short, (a gentleman of Virginia, who lives with me at present) to transact this business, and to invest him with the character of Secretary *pro hac vice*, in order that his signature of the truth of the copy of Baron Thulemeier's full power might authenticate that copy.

On the receipt of the letter No. 1, therefore, from that Minister, Mr. Short set out hence with the necessary papers. By a letter lately received from him, I expect he left London for the Hague about the 10th instant, and that the treaty is ultimately executed by this time. In respect to the desire expressed by Baron Thulemeier in the letter, we associated Mr. Dumas with Mr. Short, to assist in the exchange of signatures, and other ceremonies of execution. We agreed to bear Mr. Short's expenses, and have thought that a guinea a day (Sundays excluded) would be a proper compensation for his trouble, and the necessary equipments for his journey, which could not enter into the account of travelling expenses. I hope by the first safe conveyance to be able to forward to you the original of the treaty.

No. 2 is my answer to Baron Thulemeier's letter; No. 3, our instructions to Mr. Short; and No. 4, our letter to Mr. Dumas.

Mr. Lamb's delay gives me infinite uneasiness.

You will see, by the enclosed papers, No. 5, 6, and 7, sent me by Mr. Carnichael, that the Emperor of Morocco, at the instance of the Spanish Court, has delivered up the crew of the *Betsy*.

No. 8, also received from Mr. Carmichael, is a list of articles given the Emperor of Morocco the last year by the States General.

It is believed that the Spanish negotiator at Algiers, has concluded a peace with that State, and has agreed to give them a million of dollars, besides a very considerable quantity of things in kind.

The treaty meets with difficulties in the ratification; perhaps the exorbitance of the price may occasion them. Rumors are spread abroad that they are pointing their preparations at us. The enclosed paper, No, 9, is the only colorable evidence of this, which has come to my knowledge. I have proposed to Mr. Adams, that if Mr. Lamb does not come, either in the French or English packet then (August 6) next expected, to send some person immediately to negotiate these treaties, on the presumption that Mr. Lamb's purpose has been changed. We shall still be at a loss for the instructions, of which he is said to have been the bearer. I expect Mr. Adams' answer on the subject.

I have the honor to be, &c.

TH: JEFFERSON.



FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, July 19, 1785.

Sir,

The King has perfectly approved the plan of a treaty of commerce and amity, with the United States of America, which has been the result of our common cares,

and in the manner described at the end of the last letter with which you honored me, dated 26th May of the present year.

His Majesty is, moreover, willing that, agreeable to your proposition, sir, and that of your colleagues, the duration of the said treaty be in the first instance fixed to ten years, and it is in consequence of my instructions that the term, mentioned in the 27th article, has been expressed. He orders me now to proceed to the required signature with the Ministers of the United States of America, and to direct, with their good pleasure, the introduction conformable to that which has been used in the treaty of commerce concluded with the King of Sweden.

The copy of the treaty herewith, which I purpose signing in conformity to my full powers, comprehends these different objects, and it only remains for me to remind you, sir, of the proposition which I took the liberty of making to you in my letter dated the 17th of June, to authorize Mr. Dumas, Chargé d'Affaires, to proceed with me to the usual exchange.

The King only waits for the copy to which the American Plenipotentiaries shall have affixed their signatures, to despatch this ratification in the usual manner.

I have the honor to be, &c.

DE THULEMEIER.

P. S. Shall I take the liberty of requesting you, sir, to forward to America the letter herewith for General de Steuben; it was sent to me by one of his female relations.

FROM THOMAS JEFFERSON TO THE BARON DE THULE-
MEIER.

Paris, July, 1785.

Sir,

I was honored with the receipt of your letter on the 24th instant, together with the French draft of the treaty proposed as it ultimately meets his Majesty's approbation. Doctor Franklin, our colleague, having assisted us through the progress of this business, we were desirous he also should join in the execution. Duplicate instruments were therefore prepared, each divided into two columns, in one of which we entered the English form, as it had been settled between us, leaving the other blank to receive the French, which we expected from you. In this state, the Doctor, before his departure, put his signature and seal to the two instruments. We have since put into the blank column, the French form received from you, verbatim. As we thought that such instruments should not be trusted out of confidential hands, and the bearer thereof, William Short, Esquire, heretofore a member of the Council of the State of Virginia, happened to be in Paris, and willing to give us his assistance herein, they are delivered into his hands, with other necessary papers, according to an arrangement previously made between Mr. Adams, Doctor Franklin and myself. He will proceed to London to obtain Mr. Adams' signature, and thence to the Hague, where we have, according to your desire, associated Mr. Dumas with him, to concur with you in the final execution.

It is with singular pleasure, I see this connexion form-

ed by my country, with a sovereign whose character gives a lustre to all the transactions of which he makes a part.

I have the honor to be, &c.

TH: JEFFERSON.



Instructions from John Adams and Thomas Jefferson to William Short.

Sir,

A treaty of amity and commerce between the United States and his Majesty the King of Prussia having been arranged with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose, and it being inconsistent with our duties to repair to that place ourselves for the purpose of executing and exchanging the instruments of treaty, we hereby appoint you special secretary for that purpose.

You receive from Colonel Humphreys, Secretary of our Legation, the original of our full powers, and a copy of the same attested by him, the full power heretofore communicated to us by the Baron de Thulemeier, and the two instruments of treaty arranged between us, each in two columns, the one in English and the other in French, equally originals. From us you receive a letter to Charles Dumas, Esq. ——— for the United States at the Hague, associating him with you, in the objects of your mission.

You will proceed immediately to the Hague, and being arrived there, will deliver the letter to Mr. Dumas, and proceed conjunctively with him in the residue of your business, which is to be executed there.

The original of our full powers is to be exhibited to the Plenipotentiary of his Majesty the King of Prussia, and the attested copy is to be left with him, you taking back the original. You will in like manner ask an exhibition of the original of his full powers, and also a copy duly attested ; you will compare the copy with the original, and being satisfied of its exactness, you will return the original and keep the copy. That you may be under no doubt whether the full powers exhibited to you be sufficient or not, you will receive from Col. Humphreys those, which the Baron de Thulemeier heretofore sent to us. If those which shall be exhibited, agree with these in form or substance, they will be sufficient.

The full powers being approved on each side and exchanged, you will obtain the signature and seal of the Prussian Plenipotentiary to the two instruments of treaty, with which you are charged, and yourself and Mr. Dumas will attest the same. One of those original instruments will remain in the hands of the Prussian Plenipotentiary, the other you will retain.

You will ask that the ratification of his Majesty the King of Prussia be made known to us, as soon as it shall have taken place, giving an assurance on our part, that that of Congress shall also be communicated, so soon as it shall have taken place—when both ratifications shall be known, measures may be concerted for exchanging them. You will confer with the said Plenipotentiary on the expediency of keeping this treaty uncommunicated to the public, until the exchange of ratifications and agree accordingly. You will then return to Paris, and re-deliver to the Secretary of our Legation, our original full powers,

the copies of those of Prussia beforementioned, and the original instrument of the treaty which you shall have retained.

(London)

JOHN ADAMS.

(Paris)

TH: JEFFERSON.



INSTRUCTIONS FROM JOHN ADAMS AND THOMAS JEFFERSON TO CHARLES DUMAS.

Sir,

A treaty of amity and commerce between the United States of America and his Majesty the King of Prussia, having been arranged by us with the Baron de Thulemeier, his Majesty's Envoy Extraordinary at the Hague, specially empowered for this purpose; and it being inconsistent with our other duties to repair to that place ourselves, for the purpose of executing and exchanging the instruments of treaty, we have delivered the same, duly executed on our part, to the bearer hereof, William Short, Esquire, to be by him carried, with other necessary papers, to the Hague.

When arrived there, we ask and authorize you to manage, in conjunction with him, the execution and exchange of the instruments of treaty, according to the instructions he receives from us, and will communicate to you.

Your former attention to the interests of the United States, and readiness to promote them, give us assurance that you will not withhold them on the present occasion.

We have the honor to be, &c.

JOHN ADAMS,

TH: JEFFERSON

FROM MR. CARMICHAEL TO THOMAS JEFFERSON.

Cadiz, July 19, 1785.

Sir,

I have now the pleasure to advise you, that the captain and crew of the brig *Betsy* arrived here yesterday from Barbary, with Mr. Salinas, and were immediately delivered to me, to be disposed of as I, in my *Consular* capacity, may judge proper. They have already cost me a good deal of money, and must cost me more, before they can be shipped off, which will be as soon as possible. It seems to me the public is justly liable for all these charges. However, since the Commissioners are of a different opinion, we must see what can be done at home. I this morning waited on Mr. Salinas, to return him thanks, in the best Spanish I could muster, for the friendly interposition of his Majesty and his own conduct in this affair. He received me very politely, and desired me to inform you of what he had done, adding, that he had recommended the United States, in a particular manner to the Emperor, who, however, must have an Envoy and presents from them soon, or he will not be our friend. The Brig was also ordered to be delivered up, but the captain informs me she is gone to wreck, and can never be refitted for sea except at a greater expense than she is worth. I shall endeavor to get what is remaining of the cargo. I am alarmed on account of the Algerines. Their peace with Spain has opened a large field to their piracies; several of their cruisers are out, and I hear that thirteen prizes have already passed the straits, chiefly Portuguese, I imagine.

The Americans, I hope, are too much frightened al-

ready to venture any vessels this way, especially during the summer. They run some risk, however, even in the more northern latitudes.



FROM LOUIS GOUBLOT TO WILLIAM CARMICHAEL, CHARGE
D'AFFAIRES OF THE UNITED STATES OF AMERICA TO
HIS CATHOLIC MAJESTY.

Translation.

Sallee, June 25, 1785.

Sir,

I have the honor to inform you, with very great pleasure, that in consequence of what I hinted in my last, of the 10th instant, to Mr. Harrison, his Majesty, the Emperor of Morocco, has liberated captain Erwin and his whole crew, whom he made a present of to Don Francisco de Salinas y Monino, his Catholic Majesty's Envoy to his Imperial Majesty of Morocco, with order that the vessel and cargo should be restored to the captain, who arrived here yesterday from Morocco. He is to set out the day after to-morrow for Tangiers, under the escort of the Spanish Ambassador.

His Majesty, the Emperor of Morocco, has, moreover, ordered that the Americans should be clothed for their passage here, which has been performed, by furnishing each of them with cloth for a complete suit.

Allow me to give my opinion of the motives, which have induced the Emperor of Morocco to act so generously towards the United States.

Mr. Webster Blount, the Dutch Consul General, had requested of him the American captives. He refused him, telling him that he should only interest himself in

behalf of his own nation. It was reasonable to conclude from this, that the Emperor was not disposed to release his prisoners so soon, notwithstanding, he released them without ransom in another way. This is a political stroke of the African Monarch, who, in my opinion, may be actuated by two different motives, although at the same time for his own particular benefit. He may, in the first place, flatter himself, that by behaving generously on the present occasion, he will, by that means, convince all the Christian powers, that a Mahometan Prince is as susceptible of humanity and civility, as the most polished nation of Europe. For nothing more flatters the grandeur of this Sovereign, than when he is praised on account of his generosity towards the Christians; yet notwithstanding, he never loses sight, that by treating the Europeans in general well, he obtains more profit than by using them ill.

He may, in the second place, persuade himself that the United States will not fail to treat with him; and that when they shall see that he has acted thus towards the Americans, they will the more earnestly seek his friendship, in a manner that will be beneficial to him.

However, I still continue to think, that unless Congress speedily makes amicable propositions to this Sovereign, it will be no matter of surprise, that his corsairs commit fresh acts of hostility, against the American vessels. However that may be, if hereafter you should conceive me of any use in the affairs that may happen between the United States and Morocco, I can only take the liberty of again offering myself, with the same zeal that I have already done, and, whilst I wait your Excellency's orders to continue or suspend my correspondence on this subject,

I have the honor, &c.

LOUIS GOUBLOT.

FROM THE COUNT DE FLORIDA BLANCA TO WILLIAM
CARMICHAEL.

Translation.

Sir,

Lieutenant Colonel Don Francisco Salinas y Monino, whom the King has appointed his Envoy Extraordinary, and Minister Plenipotentiary, at the Court of the King of Morocco, informs me by letter, dated the 15th June, that, having applied to his Majesty to order the Americans, whom he detained as prisoners, to be delivered to him, that Prince had granted it, and also the vessel in which they were taken, saying that he wished to make peace with the United States of America, by the mediation of the King of Spain.

I postponed giving you this information, until I could confirm it by the actual delivery of those Americans and their vessel, to the aforesaid Minister. He advises me on the 9th July, that it was done, and that he had received ten Americans, with their clothing, and also the brigantine, but in a state not to be navigated. I communicate this to you, adding that the said Americans are now at Cadiz, at the disposition of their Consul, who should also give orders respecting the brigantine left at Tangier.

The King derived much pleasure from the successful issue of this negotiation, in which his Majesty has taken the part which you have seen, in order to give the United States this further proof of his *friendship and good will*, and his Majesty remains disposed to continue them on the occasions which may arise from this subject (in case the United States should determine to avail themselves of this overture of the King of Morocco, and authorize you for it) and also upon all other occasions interesting to those republics.

Translation.

LIST of Presents made by the States General to the
Emperor of Morocco, 1784.

- 69 Masts, from 50 to 91 feet in length.
- 24 Poles, from 36 to 54 do.
- 15 Cables, from 10 to 14 inches circumference, and
120 fathoms long.
- 15 do. from 6 to 8 do. 100 fathoms long.
- 97 different pieces large Cordage.
- 160 pieces smaller do. 100 fathoms each.
- 10 tarred do. 2½ inches 100 fathoms.
- 150 balls of coarse Twine.
- 300 dozen Cords of 6 and 8 threads.
- 18 Sounding lines.
- 1000 fathoms from 2 to 42 threads.
- 50 pieces Iron Cannon 6 pounders with carriages and
1500 Bullets.
- 12 Anchors, from 1150 to 1550 cwt.
- 6 Kedge Anchors.
- 3 small do.
- 220 pieces Sail Cloth, containing 10560 ells.
- 45 do. finer 4057 do.
- 20 do. Flemish Cloth 8832 do.
- 60 Skeins Twine.
- 1450 assorted Pullies.
- 100 pieces of wood for oars.
- 9 large pieces for Pumps.
- 20 pieces for smaller do.
- 51 Chests, with different utensils and tools for the Ar-
tillery, Carpenters and Caulkers.
- 12 Quadrants.

- 27 Sea Charts.
 - 12 Compasses.
 - 26 Hour Glasses.
 - 50 dozen Sail Needles.
 - 3 large Lanthorns and 30 small.
 - 6 Sounding leads, from 12 to 18.
 - 24 tons Pitch.
 - 10 pieces Brass 24 Pounds.
 - 10 do 18 Carriages and 200 bullets 24lb.
 - 200 Shot, 18lb.
 - 300 Casks of different sizes.
-

EXTRAORDINARY PRESENTS.

- 2 pieces Scarlet.
- 2 do. Green Cloth.
- 1 do. do.
- 1 do. Blue do.
- 2 do. White do.
- 1 Barrel, containing 280 Loaves Sugar 1072lbs.
- 1 Chest, 100lbs. tea.
- 2 sets India Porcelain.
- 1 Case, containing 24 large China Bowls.
- 50 pieces Muslin.
- 3 Clocks.
- 1 very large Watch.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, December 7, 1785.

Sir,

The last letter I have had the pleasure of receiving from you, is dated the 14th August last. My last to you is dated the 2nd ult. by Mr. Houdon, who I hope, has by this time safely arrived. Nothing of importance has since occurred except the arrival of Mr. Temple, respecting whom, I enclose the copy of an act of Congress of 2nd instant.

With great esteem, &c.

JOHN JAY.

You will herewith receive a packet of newspapers.



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, January 19, 1786.

Sir,

Since my last of 7th December ultimo, and indeed for some time before that, Congress has been composed of so few States actually represented, as not to have it in their power to pay that attention to their foreign affairs, which they would doubtless have otherwise done. Hence it has happened, that no resolutions have been entered into, on any of the important subjects submitted to their consideration. This obliges me to observe a degree of reserve in my letters respecting subjects, which I wish to be free from, but which is nevertheless necessary, lest my sentiments and opinions should be opposed to those, which they may adopt and wish to impress.

There is reason to hope that the requisition will be generally complied with—I say generally, because it is not quite clear that every State, without exception, will make punctual payments, although a disposition prevails to enable Congress to regulate trade, yet I am apprehensive that, however the propriety of the measure may be admitted, the manner of doing it, will not be with equal ease agreed to.

It is much to be regretted, that the confederation has not been so formed, as to exclude the necessity of all such kind of questions, it certainly is very imperfect, and I fear it will be difficult to remedy its defects, until experience shall render the necessity of doing it more obvious and pressing.

[Several lines were here written in cyphers of which the following is the explication:]

Does France consider herself bound by her guarantee to insist on the surrender of our posts? Will she second our remonstrances to Britain on that head? I have no orders to ask these questions, but I think them important. Spain insists on the navigation of the great river, and that renders a treaty with her uncertain as yet.

Among the public papers herewith sent, you will find the speech of the Governor of New York to the Legislature, and the answer of the Senate. A spirit more federal seems to prevail than that, which marked their proceedings last year. You will also perceive from the papers, that Massachusetts begins to have troubles similar to those, which this State experienced from Vermont; North Carolina suffers the like evils, and from the same causes. Congress should have recollected the old maxim *obsta principis*.

I wish the negotiations with the Barbary powers may prove successful, because our country in general desires peace with them: for my part, I prefer war to tribute, and that sentiment was strongly expressed in my report on that subject.

Our Indian affairs do not prosper, I fear Britain bids higher than we do. Our surveys have been checked, and peace with the savages seems somewhat precarious; that department might, in my opinion, have been better managed.

With great and sincere respect, &c.

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 30, 1785.

Sir,

I had the honor of writing to you on the 14th instant, by a Mr. Cannon, of Connecticut, who was to sail in the packet. Since that date, yours of July 13th, is come to hand. The times for the sailing of the packets being somewhat deranged, I avail myself of a conveyance of the present, by the Messrs. Fitzhughs, of Virginia, who expect to land at Philadelphia.

I enclose you a correspondence which has taken place between the Mareschal de Castries, Minister of the Marine, and myself. It is on the subject of the prize money due to the officers and crew of the Alliance, for prizes taken in Europe, under the command of Captain Jones. That Officer has been, under the direction of Congress, nearly two years soliciting the liquidation and payment of

that money. Infinite delays had retarded the liquidation till the month of June. It was expected when the liquidation was announced to be completed, that the money was to be received. The M. de Castries doubted the authority of Captain Jones to receive it, and wrote to me for information. I wrote him the letter dated July 10th, which seemed to clear away that difficulty; another arose, a Mr. Puchelberg presented powers to receive the money. I wrote then the letter of August 3rd, and received that of M. de Castries of August 12th, acknowledging he was satisfied as to this difficulty, but announcing another, to wit: that possibly some French subjects might have been on board the Alliance, and therefore that Captain Jones ought to give security for the repayment of their portions. Captain Jones had before told me that there was not a Frenchman on board that vessel, but the Captain. I inquired of Mr. Barclay, he told me he was satisfied there was not one.

Here then was a mere possibility, a shadow of a right, opposed to a certain, to a substantial one, which existed in the mass of the crew, and which was likely to be delayed: for it could not be expected that Captain Jones could, in a strange country, find the security required. These difficulties I suppose to have been conjured up, one after another by Mr. Puchelberg, who wanted to get hold of the money. I saw but one way to cut short these everlasting delays, which were ruining the officer soliciting the payment of the money, and keeping our seamen out of what they had hardly fought for years ago. This was to undertake to ask an order from Congress, for the payment of any French claimants, by their banker in Paris, and in the meantime to undertake to order such

payment, should any such claimant prove his title, before the pleasure of Congress should be made known to me. I consulted with Mr. Barclay, who seemed satisfied I might venture this undertaking, because no such claim could be presented. I therefore wrote the letter of August 17th, and received that of August 26th, finally closing this tedious business.

Should what I have done not meet the approbation of Congress, I would pray their immediate sense, because it is not probable, that the whole of this money will be paid so hastily, but that their orders may arrive in time to stop a sufficiency for any French claimants, who may possibly exist. The following paragraph of a letter from Captain Jones, dated "L'Orient, August 24, 1785," further satisfies me that my undertaking amounted to nothing in fact. He says it is impossible that any legal demands should be made on you for French subjects, in consequence of your engagement to the Mareschal. The Alliance was manned in America, and I never heard of any persons having served on board that frigate, who had been born in France except the Captain, who, as I was informed, had in America abjured the Church of Rome and been naturalized.

Should Congress approve of what I have done, I will then ask their resolution for the payment, by their banker here, of any such claims as may be properly authenticated, and will, moreover, pray of you an authentic roll of the crew of the Alliance, with the sums to be allowed to each person; on the subject of which roll, Captain Jones, in the letter above mentioned, says: "I carried a set of the rolls with me to America, and before I embarked in the French fleet at Boston, I put them into the hands of Mr. Secretary Livingston, and they were sealed

up among the papers of his office when I left America." I think it possible that Mr. Puchelberg may excite claims. Should any name be offered which shall not be found on the roll, it will be a sufficient disproof of the pretension. Should it be found on that roll, it will remain to prove the identity of the person, and to inquire if payment may not have been made in America. I conjecture from the journals of Congress of June 2nd, that Landais, who, I believe, was the captain, may be in America. As his portion of prize money may be considerable, I hope it will be settled in America, where only it can be known, whether any advances may have been made him.

The person at the head of the post office here, says he proposed to Doctor Franklin a convention to facilitate the passage of letters through their office and ours, and that he delivered a draft of the convention proposed, that it might be sent to Congress. I think it possible he may be mistaken in this, as, on my mentioning it to Doctor Franklin, he did not recollect any such draft having been put into his hands. An answer, however, is expected by them. I mention it that Congress may decide whether they will make any convention on the subject, and on what principle. The one proposed here, was, that for letters passing hence into America, the French postage should be collected by our post offices, and paid every six months; and for letters coming from America here, the American postage should be collected by the post offices here and paid to us in like manner. A second plan, however, presents itself; that is, to suppose the sums to be thus collected on each side will be equal, or so nearly equal, that the balance will not pay the trouble of keeping accounts, and the little bickerings that

the settlement of accounts and demands of the balances may occasion; and, therefore, to make an exchange of postage. This would better secure our harmony, but I do not know that it would be agreed to here; if not, the other might then be agreed to.

I have waited hitherto, supposing that Congress might possibly appoint a Secretary to the legation here, or signify their pleasure, that I should appoint a private Secretary to aid me in my office. The communications between the Ministers and myself requiring often that many and long papers should be copied, and that in a shorter time than could be done by myself, were I otherwise unoccupied, with other correspondences and proceedings, of all which copies must be retained, and still more, the necessity of having some confidential person, who, in case of any accident to myself, might be authorized to take possession of the instructions, letters and other papers of the office, have rendered it absolutely necessary for me to appoint a private Secretary. Col. Humphreys finds full occupation, and often more than he can do, in writing and recording the despatches and proceedings of the general commissions. I shall, therefore, appoint Mr. Short, on his return from the Hague, with an express condition, that the appointment shall cease whenever Congress shall think proper, to make any other arrangement. He will, of course, expect the allowance heretofore made to the private Secretaries of the Ministers, which I believe has been a thousand dollars a year.

An improvement is made here in the construction of the musket, which it may be interesting to Congress to know, should they at any time propose to procure any. It consists in the making every part of them so exactly

alike, that what belongs to any one, may be used for every other musket in the magazine. The government here has examined and approved the method; and is establishing a large manufactory for the purpose. As yet the inventor has only completed the lock of the musket on this plan. He will proceed immediately to have the barrel, stock and their parts executed in the same way. Supposing it might be useful to the United States, I went to the workman, he presented me the parts of fifty locks taken to pieces and arranged in compartments, I put several together myself, taking pieces at hazard as they came to hand, and they fitted in the most perfect manner. The advantages of this, when arms need repair, are evident.

He effects it by tools of his own contrivance, which at the same time abridge the work, so that he thinks he shall be able to furnish the musket two livres cheaper, than the common price. But it will be two or three years, before he will be able to furnish any quantity. I mention it now, as it may have influence on the plan for furnishing our magazines with this arm.

Every thing in Europe remains as when I wrote you last.

The peace between Spain and Algiers has the appearance of being broken off.

The French packet being arrived without Mr. Lamb, or any news of him, I await Mr. Adams' acceding to the proposition mentioned in my last.

I send you the gazettes of Leyden and France to this date, and have the honor to be, &c.

TH: JEFFERSON.

COPY of a letter from Th: Jefferson to the Mareschal de Castries, in answer to one received from him, desiring to know how far Captain Jones was authorized, to receive the prize money due to the crew of the Alliance.

Paris, July 10, 1785.

Sir,

I am honored with your Excellency's letter on the prize money, for which Mr. Jones applies. The papers intended to have been therein enclosed, not having been actually enclosed, I am unable to say any thing on their subject. But I find that Congress, on the 1st day of November, 1783, recommended Captain Jones to their Minister here, as agent to solicit, under his direction, payment to the officers and crews for the prizes taken in Europe under his command: requiring him, previously, to give to their Superintendent of Finance good security for paying to him whatever he should receive, to be by him distributed to those entitled. In consequence of this, Captain Jones gave the security required, as it is certified by the Superintendent of Finance on the 6th of November, 1783, and received from Doctor Franklin on the 17th of December, 1783, due authority as Agent to solicit the said payments.

From these documents, I consider Captain Jones as Agent for the citizens of the United States, interested in the prizes taken in Europe under his command, and that he is properly authorized to receive the money due to them, having given good security to transmit it to the Treasury Office of the United States, whence it will be

distributed under the care of Congress, to the officers and crews originally entitled, or to their representatives.

I have the honor to be, &c.

TH: JEFFERSON.



A SECOND LETTER TO THE MARESCHAL DE CASTRIES.

Paris, August 3, 1785.

Sir,

The enclosed copy of a letter from Captain John Paul Jones, on the subject which your Excellency did me the honor to write me on the — day of July, will inform you, that there is still occasion to be troublesome to you. A Mr. Puchelberg, a merchant of L'Orient, who seems to have kept himself unknown until money was to be received, now presents powers to receive it, signed by the American officers and crews, and this produces a hesitation in the person to whom your order was directed. Congress, however, having substituted Captain Jones as Agent to solicit and receive this money, he having given them security to forward it, when received, to their Treasury, to be thence distributed to the claimants; and having at a considerable expense of time, trouble, and money, attended it to a conclusion, are circumstances of weight, against which, Mr. Puchelberg seems to have nothing to oppose but a nomination by individuals of the crew, under which he declined to act, and permitted the business to be done by another, without contradiction from him; against him too, it is urged that he fomented the sedition, which took place among them, that he obtained

this nomination from them, while their minds were under ferment, and that he has given no security, for the faithful payment of the money to those entitled to it ; I will add to these, one other circumstance, which appears to render it impossible that he should execute this trust. It is now several years since the right to this money arose ; the persons in whom it originally vested, were probably from different States in America, many of them must be now dead, and their rights passed on to their representatives, but who are their representatives ? The laws of some States prefer one degree of relations, those of others prefer others ; there being no uniformity among the States on this point. Mr. Puchelberg, therefore, should know which of the parties are dead ; in what order the laws of the respective States call their relations to the succession, and, in every case, which of those orders are actually in existence, and entitled to the share of the deceased. With the Atlantic ocean between the principals and their substitutes, your Excellency will perceive what an inexhaustible source of difficulties, of chicanery, and of delay, this might furnish to a person who should find an interest in keeping this money as long as possible in his own hands, whereas, if it be lodged in the treasury of Congress, they, by an easy reference to the tribunals of the different States, can have every one's portion immediately rendered, to himself if living, and if dead, to such of his relations as the laws of the particular State prefer, and as shall be found actually living. I the rather urge this course, as I foresee that it will relieve your Excellency from numberless appeals, which these people will be continually making, from the decisions of Mr. Puchelberg, appeals

likely to perpetuate that trouble, of which you have already had too much, and to which I am sorry to be obliged to add, by asking a peremptory order for the execution of what you were before pleased to decide on this subject.

I have the honor to be, &c.

TH: JEFFERSON.



FROM CAPTAIN J. PAUL JONES TO THOMAS JEFFERSON.

L'Orient, July 31, 1785.

Sir,

I had the honor to write you the the 29th of this month, praying you to address the Court, to prevent Mr. Puchelberg, a French merchant here, from receiving the prize money due to the subjects of the United States, who served on board the squadron I commanded in Europe. I have done my duty, and with great trouble and expense both of time and money, obtained a settlement in their favor from government. But if Mr. Puchelberg, who has taken no trouble and been at no expense to obtain a settlement, should receive the money, the greatest part of it, will never reach America, nor find its way into the pockets of the captors, were Mr. Puchelberg the honestest man in the world, he cannot at this distance from America, and being ignorant of the laws of the American flag, do justice to the concerned. Besides a preference is due to the application of one government to another, for what regards the interests of its subjects, especially where it is clear, that every caution has been observed, for obtaining justice to each individual.

The enclosed copy of a letter, which has just now been communicated to me from Monsieur de Soulanges a M. M. les Juges Consul, dated at Toulon, the 14th of this month, announcing that the Algerines have declared war against the United States, is of too serious a nature not to be sent immediately to you.

This event may, I believe, surprise some of our fellow citizens, but for my part, I am rather surprised that it did not take place sooner. It will produce a good effect if it unites the people of America in measures consistent with their national honor and interest, and rouses them from that ill-judged security, which the intoxication of success has produced since the revolution.

My best wishes will always attend that land of freedom, and my pride will be always gratified when such measures are adopted, as will make us respected as a great people, who deserve to be free.

I am, Sir, &c.

J. PAUL JONES.



FROM LE MARESCHAL DE CASTRIES TO THOMAS JEFFERSON.

Translation.

Versailles, August 12, 1785.

Sir,

I have received, with the letter which you did me the honor to write to me the 3d of this month, the observations of Mr. Jones on the insufficiency of the powers, with which the Sieur Puchelberg is vested for taking charge of the shares of prizes due to the subjects of the United

States. From your assertion, and our reflections, I should not hesitate to confirm the orders, which I have given for remitting to Mr. Jones, all that is due to the Americans, but another difficulty presents itself. The Commissary *ordonnateur*, at L'Orient, observes to me, that notwithstanding the search which has been made, it has proved impracticable to procure an exact roll of the crew of the American frigate Alliance, and that on the very probable supposition that some Frenchmen may have served on board of that frigate, it results, that from the remission of the whole of the funds to Mr. Jones, the shares coming to the subjects of the King should be lodged in the Treasury of Congress. From this circumstance, I presume that you will see the justice of requiring of Mr. Jones, security to ensure the payment of what may be coming to them, should any of them have embarked in the Alliance frigate.

I request the favor of you to honor me with an answer on this subject, and I have that of being with a very sincere attachment, &c.

LE M. DE CASTRIES.



FROM THOMAS JEFFERSON TO THE MARESCHAL DE
CASTRIES.

Paris, August 17, 1785.

Sir,

I was honored yesterday with the receipt of your Excellency's letter of the 12th instant.

I have ever understood that the whole crew of the Alliance was of American citizens. But, should there

have been among them any subjects of his Majesty, it is but just that the repayment of their portions of the prize money should be secured; but captain Jones being already bound to pay what he shall receive into the Treasury of the United States, I submit to your Excellency, whether it will be right to require him to be answerable for moneys, after they shall be put out of his power. And whether, as Congress have secured the receipt at their Treasury, it will not be shorter for them to order repayment to any subjects of his Majesty, who may shew themselves justly entitled. I will immediately ask their pleasure on this subject, and solicit such orders, as that every such claimant, proving his title here in the usual way, may receive immediate payment of their banker here, and that no individual may, in the meantime be delayed, should any such present their proofs before the orders are received, I will undertake to direct payment by the banker of the United States in Paris, being assured that in so doing I shall forward those views of perfect justice, which Congress will carry into the distribution of this money. Should any instances arise of payment to be demanded here, I think they will be few, and the sums will of course be small.

I shall be happy if your Excellency shall think that the justice due to this part of the claimants, is so sufficiently secured by those assurances, as that it need not stand in the way of that which is due to the great mass of claimants, who are already so much indebted for your attention to their interests. I will take the liberty of asking that I may be furnished, by the proper officer, with copies of captain Jones' receipts for the moneys, which shall be paid him, that by transmitting them to the Treasury Board of the United States, they may know the

precise sums which they are to receive through his hands. I pray you to accept my acknowledgments for your attention to this troublesome business, and assurances of the high respect and esteem, with which I have the honor to be, &c.

TH: JEFFERSON.



FROM THE MARESCHAL DE CASTRIES TO THOMAS JEFFERSON (IN ANSWER.)

Translation.

Versailles, August 26, 1785.

Sir,

The offer which you make in the letter you have done me the honor to write the 17th instant, smoothes away every difficulty. Since you have been pleased to engage to have paid, by the banker of the United States at Paris, whatever may be due to the French, who should have served on board the American frigate Alliance, I now give orders to the Commissary at L'Orient, to remit to Mr. Jones the whole sum, which shall be coming to the American vessels, and to transmit to me copies of the receipts, which he may take from that officer.

I have the honor to be, &c.

LE M. DE CASTRIES.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, October 6, 1785.

Sir,

My letter of the 30th August, acknowledged the receipt of yours of July 13th, since that I have received your letter of August 13th, enclosing a correspondence

between the Marquis de la Fayette and Monsieur de Calonne, and another of the same date, enclosing the papers in Fortin's case. I immediately wrote to Mr. Limozin, at Havre, desiring he would send me a state of the case, and inform me what were the difficulties, which suspended its decision. He has promised me, by letter, to do this as soon as possible, and I shall not fail in attention to it.

The Emperor and Dutch have signed preliminaries, which are now made public. You will see them in the papers which accompany this. They still leave a good deal to discussion. However, it is probable they will end in peace. The party in Holland, possessed actually of the sovereignty, wishes for peace, that they may push their designs on the Stadtholderate. This country wishes for peace, because their finances need arrangement. The Bavarian exchange has produced to public view, that jealousy and rancor between the Courts of Vienna and Berlin, which existed before, though it was smothered. This will appear by the declarations of the two Courts. The demarcation between the Emperor and Turk does not advance. Still, however, I suppose neither of those two germs of war likely to open soon. I consider the conduct of France as the best evidence of this. If she had apprehended a war, from either of those quarters, she would not have been so anxious to leave the Emperor one enemy the less, by placing him at peace with the Dutch. While she is exerting all her powers to preserve peace by land, and making no preparation, which indicates a fear of its being disturbed in that quarter, she is pushing her naval preparations, with a spirit unexampled in time of peace. By the opening of

the next spring she will have eighty ships of seventy four guns and upwards, ready for sea at a moment's warning, and the further constructions proposed will, probably within two years, raise the number to a hundred. New regulations have been made, too, for perfecting the classification of their seamen; an institution, which, dividing all the seamen of the nation into classes, subjects them to tours of duty by rotation, and enables them, at all times to man their ships. Their works for rendering Cherbourg a harbor for their vessels of war, and Dunkirk for frigates and privateers, now leave little doubt of success.

It is impossible that these preparations can have in view, any other nation but the English; of course they shew a greater diffidence of their peace with them, than with any other power.

I mentioned to you, in my letter of August 14th, that I had desired Captain J. P. Jones to inquire into the circumstances of Peyrouse's expedition. I have now the honor of enclosing you copies of my letter to him, and of his answer.

He refuses to accept of any indemnification for his expenses, which is an additional proof of his disinterested spirit, and of his devotion to the service of America. The circumstances are obvious, which indicate an intention to settle factories and not colonies, at least for the present. However, nothing shews for what place they are destined. The conjectures are divided between New Holland and the north-west coast of America.

According to what I mentioned in my letter of August 30th, I have appointed Mr. Short my Secretary here. I enclose to you, copies of my letters to him and

M. Grand, which will shew to Congress, that he stands altogether at their pleasure.

I mention this circumstance, that, if it meets with their disapprobation, they may have the goodness to signify it immediately, as I should otherwise conclude, that they do not disapprove it.

I shall be ready to conform myself to what would be most agreeable to them.

This will be accompanied by the Gazettes of France and Leyden to the present date.

I have the honor to be, &c.

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO J. PAUL JONES.

Paris, August 3, 1785.

Sir,

I received yesterday your favor of the 29th and have written on the subject of it to the Mareschal de Castries this morning. You shall have an answer as soon as I receive one.

Will you be so good as to make an inquiry into all the circumstances relative to Peyrouse's expedition, which seem to ascertain his destination, particularly what number of men and of what conditions and vocations had he on board? What animals, their species and numbers? What trees, plants, or seeds? What utensils? What merchandize or other necessaries? This inquiry should be made with as little appearance of interest in it as possible. Should you not be able to get satisfactory information without going to Brest, and it be convenient for

you to go there, I will have the expenses this shall occasion you paid; commit all the circumstances to writing, and bring them when you come yourself, or send them by a safe hand.

I am, with much respect, &c.

TH: JEFFERSON.



FROM CAPTAIN J. PAUL JONES TO THOMAS JEFFERSON.

Paris, October 5, 1785.

Sir,

The following is the best information I am able to give you in compliance with the letter dated at Paris, the 3rd of August, 1785, which you did me the honor to address to me at L'Orient.

The Boussole and the Astrolabe, two gaberts of 600 tons each, sheathed with copper and equipped in the best manner, sailed from Brest, the 1st of August, 1785, under the command of Messieurs de la Peyrouse and the Viscount de Langle, captains in the royal navy.

They had on board a great variety of trees, plants and seeds that suit the climate of France, manufactures in linen, woollen and cotton goods, and in iron and copper, &c. Mechanical tools of all sorts, a great quantity of trinkets and toys; ploughs and all sorts of utensils and implements for agriculture, and a quantity of unwrought iron. Each ship had on board a large shallop in frames, and a million of French livres in the coins of different nations.

Each ship had also on board twenty one soldiers, drafted from the two regiments at Brest; all of whom were either mechanics or farmers.

They had on board no women ; nor any animals except such as appeared to be destined for the refreshment of the crews. The crew of each ship is one hundred men, including officers and men of genius.

The King himself planned the expedition and made out all the detail with his own hand, before he spoke a word of it to any person. His Majesty defrays the expense out of his private coffer, and is his own minister in every thing that regards the operation of his plan.

There is no doubt but the perfecting the geography of the southern hemisphere is one of his Majesty's objects in view ; and it is not difficult to perceive, that he has others equally worthy the attention of a great prince ; one of which may be to extend the commerce of his subjects, by establishing factories at a future day for the fur trade, on the north west coast of America ; and another to establish colonies in New Holland, after having well explored the coast and made experiments on the soil of that vast island, which is situated in so happy a climate, and so contiguous to the establishments of France, in the East Indies.

I am, Sir, with great respect, &c.

J. PAUL JONES.



FROM THOMAS JEFFERSON TO WILLIAM SHORT.

Paris, September 24, 1785.

Dear Sir,

Finding the assistance of a private Secretary necessary in my office, I would wish you to accept of the appointment. In this case it will be necessary for you to

abandon your plans of continuing at St. Germain. I need not detail to you the ordinary business, in which you will be engaged—that will open itself on you of course; but it is necessary for me particularly to authorize and instruct you, in case of any accident happening to myself, to take possession of whatever papers may be in my hands, as Minister Plenipotentiary, for the United States, at the Court of Versailles, and to deliver them to the order of the Secretary for Foreign Affairs.

I am not able to say with certainty what is the salary allowed; but M. Grand, who paid young Mr. Franklin's and who will pay yours also, will inform you. I think it is one thousand dollars a year. I must add that you are to expect this appointment to cease, whenever Congress shall be pleased to countermand or supercede it, by any other arrangement.

I am, with much esteem, &c,

TH : JEFFERSON.



FROM THOMAS JEFFERSON TO M. GRAND, BANKER AT
PARIS.

Paris, September 24, 1785.

Sir,

I have appointed the bearer hereof, Mr. William Short my Secretary: his salary as such will be the same which young Mr. Franklin received. I am, therefore, to ask the favor of you to pay it to him, from time to time, as it shall become due, and to debit the United States therewith.

I have the honor to be, &c.

TH : JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, October 11, 1785.

Sir,

In my letter of August 14th, I had the honor of expressing to you the uneasiness I felt at the delay of the instructions on the subject of the Barbary treaties, of which Mr. Lamb was the bearer, and of informing you, that I had proposed to Mr. Adams, that if he did not arrive, either in the French or English packets, then expected, we should send some person to negotiate these treaties. As he did not arrive in those packets, and I found Mr. Barclay was willing to undertake the negotiations, I wrote to Mr. Adams (who had concurred in the proposition made him) informing him that Mr. Barclay would go, and proposing papers for our immediate signature.

The day before the return of the courier, Mr. Lamb arrived with our instructions, the letter of credence, &c. enclosed in yours of March 11th, 1785.

Just about the same time came to hand the letter, No. 1, informing me that two American vessels were actually taken and carried into Algiers, and leaving no further doubt, that that power was exercising hostilities against us, in the Atlantic.

The conduct of the Emperor of Morocco had been such as forbade us to postpone his treaty, to that with Algiers; but the commencement of hostilities by the latter, and their known activity, pressed the necessity of immediate propositions to them. It was, therefore, thought best, while Mr. Barclay should be proceeding with the Emperor of Morocco, that some other agent should go to Algiers.

We had few subjects to choose out of. Mr. Lamb's knowledge of the country, of its inhabitants, of their manner of transacting business, the recommendations from his State to Congress, of his fitness for this employment, and other information, founding a presumption that he would be approved, occasioned our concluding to send him to Algiers.

The giving him proper authorities, and new ones to Mr. Barclay, conformable to our new powers, was the subject of a new courier, between Mr. Adams and myself.

He returned last night, and I have the honor of enclosing you copies of all the papers we furnished those gentlemen with, which will possess Congress fully of our proceedings herein. They are numbered from two to ten, inclusive.

The supplementary instructions to Mr. Lamb (No. 5) must rest for justification on the emergency of the case. The motives which lead to it, must be found in the feelings of the human heart, in a partiality for those sufferers who are of our own country, and in the obligations of every government, to yield protection to their citizens, as the consideration for their obedience. It will be a comfort to know, that Congress does not disapprove of this step.

Considering the treaty with Portugal as among the most interesting to the United States, I some time ago took occasion, at Versailles, to ask of the Portuguese Ambassador, if he had yet received from his Court an answer to our letter. He told me he had not, but that he would make it the subject of another letter. Two days ago his *Secrétaire d'Ambassade*, called on me with a letter from his Minister to the Ambassador, in which was the follow-

ing paragraph, as he translated it to me, and I committed it to writing from his mouth: "In relation to the information which your Excellency gave us, as to the conversation with the American Minister. That power should be already persuaded, that in effect from the manner in which their ships have been received here, it follows as a consequence, that his Majesty would have great satisfaction, in maintaining perfect harmony and good correspondence, with the United States. But it would appear proper to begin by the reciprocal nomination, by the two parties, of persons bearing at least the character of agents, who would mutually inform their constituents, of whatever might lead to the knowledge of the interests of the two nations, without prejudice to either. It is the first step which appears suitable to be taken, to attain the end proposed."

By this it would seem that this power is more disposed to pursue a train of negotiation similar to that which Spain has done. I consider this answer as definitive of all further measures under our commission to Portugal. That to Spain was superseded by proceedings in another line; that to Prussia is concluded by actual treaty; to Tuscany will probably be so; and perhaps to Denmark; and these, I believe, will be the sum of the effects of our commissions for making treaties of alliance. England shews no disposition to treat. France, should her ministers be able to keep the ground of the arrêt of August, 1784, against the clamors of her merchants, and should they be disposed hereafter to give us more, it is not probable she will bind herself to it by treaty, but keep her regulations dependent on her own will.

Sweden will establish a free port at St. Bartholomews,

which, perhaps, will render any new engagements on our part unnecessary. Holland is so immovable in her system of colonial administration, that as propositions to her on that subject would be desperate, they had better not be made. You will perceive by the letter No. 11, from M. de la Fayette, that there is a possibility of an overture from the Emperor.

A hint from the Chargé d'Affaires of Naples, lately, has induced me to suppose something of the same kind from thence. But the advanced period of our commissions, now offers good cause for avoiding to begin, what probably cannot be terminated during their continuance; and with respect to these two, and all other powers not before mentioned, I doubt whether the advantages to be derived from treaties with them, may countervail the additional embarrassments they may impose on the States, when they shall proceed to make those commercial arrangements necessary to counteract, the designs of the British Cabinet.

I repeat it, therefore, that the conclusion of the treaty with Prussia, and the probability of others with Denmark, Tuscany, and the Barbary States, may be expected to wind up the proceedings of the general commissions.

I think that in possible events, it may be advantageous to us, by treaties with Prussia, Denmark and Tuscany, to have secured ports in the Northern and Mediterranean seas.

I have the honor to be, &c.

TH. JEFFERSON.

FROM RICHARD O'BRYEN TO THOMAS JEFFERSON.

Algiers, August 24, 1785.

Sir,

We, the subjects of the United States of America, having the misfortune of being captured off the coast of Portugal, the 24th and 30th of July by the Algerines, and brought into this port, where we are become slaves, and sent to the work houses. Our sufferings are beyond our expressing, or your conception. Hoping your honor will be pleased to represent our grievances to Congress, hoping they will take such measures as tend to our speedy redemption, hoping you will consider our unfortunate situation, and make some provision for the unfortunate sufferers until we are redeemed—being stript of all our clothes and nothing to exist on but two small cakes of bread per day without any other necessaries of life. Charles Logie, Esq. British Consul, seeing our distressed situation, has taken us three masters of vessels out of the work house, and has given security for us to the Dey of Algiers, *King of Cruelties*. My crew will certainly starve, if there is not some immediate relief.

It being the method of all Christian powers, whose subjects fall into the hands of those savages, to make some provision for them, until they are redeemed, I should esteem it a particular favor, if you would be pleased to write to Mr. Logie, Consul here.

Ship Dauphin, Richard O'Bryen master, belonging to Messrs. Matthew and Thomas Irwin & Co., merchants of the city of Philadelphia, bound to Philadelphia from St. Ubes, taken the 30th July, out two days.

Schooner Maria, Isaac Stephens master, from Boston,

bound to Cadiz, belonging to Messrs. William Foster & Co. merchants in Boston, taken the 24th of July out 26 days.

The cruisers in this port are fitting out with all possible expedition and I am of opinion, that they will take most of our ships that will come for Europe.

They will cruise to the northward of the western islands, and towards the British channel. The sooner we put a stop to them the better, they valuing the number of prizes they take to the sum of the peace. The Spaniards coming on terms with them, all other European nations must. I hope we shall apply before any more do, for they must be at war with some.

I am very respectfully, &c.

RICHARD O'BRYEN.



COMMISSIONS TO THOMAS BARCLAY AND JOHN LAMB.

To all to whom these presents shall come, or may be made known :

Whereas, the United States of America, in Congress assembled, reposing special trust and confidence in the integrity, prudence and ability of their trusty and well beloved, the honorable John Adams, late one of their Ministers Plenipotentiary for negotiating a peace, and heretofore a delegate in Congress, from the State of Massachusetts, and Chief Justice of the said State ; the honorable Doctor Benjamin Franklin, their Minister Plenipotentiary at the Court of Versailles, and late another of their Ministers Plenipotentiary for negotiating a peace ; and the honorable Thomas Jefferson, a delegate in Congress from the

State of Virginia, and late Governor of the said State, did, by their commission, and under the seal of the United States, and the signature of their then President, bearing date the 12th day of May, in the year of our Lord Christ 1784, constitute and appoint the said John Adams, Benjamin Franklin and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers and authority for the said United States, and in their name to confer, treat, and negotiate with the Ambassador, Minister or Commissioner of his Majesty, the Emperor of Morocco, vested with full and sufficient powers of, and concerning a treaty of amity and commerce, as the case might be, to make and receive propositions for such a treaty, and to conclude and sign the same, transmitting it to the United States, in Congress assembled, for their final ratification; and as it might so happen that the great and various affairs, which the said United States had committed to the care and management of their said Ministers Plenipotentiary, might not admit of their meeting the Minister or Commissioner, which his Majesty, the Emperor of Morocco, might appoint to treat with them, of and concerning such treaty, at a time and place that might otherwise be most convenient, therefore, the said United States, in Congress assembled, did, on the 11th day of March, in the year of our Lord Christ 1785, by their commission, under their seal, and the signature of the President, authorize and empower their said three Ministers Plenipotentiary, and the majority of them, by writing, under their hands and seals, to appoint and employ, and at pleasure to remove such agent in the said business as they, or the majority of them, might think

proper, which said agent should have authority, under directions and instructions of their said Ministers, to commence and prosecute negotiations and conferences for the said treaty, with such person or persons, on the part of his Majesty, the Emperor of Morocco, as to their said Ministers, or the majority of them should appear proper; provided, always, that the treaty in question should be signed by the said Ministers, but that preliminary articles thereto, might, if previously approved by their said Ministers, or the majority of them, be signed by the said agent.

And whereas, Doctor Benjamin Franklin, one of the Ministers Plenipotentiary aforesaid, is since returned to America:

Now, know ye, that we, John Adams, Minister Plenipotentiary of the United States of America at the Court of Great Britain, and Thomas Jefferson, Minister Plenipotentiary of the said States at the Court of France, two of the Ministers Plenipotentiary aforesaid, and a majority of them, reposing special trust and confidence in the integrity, prudence and ability, of the Honorable Thomas Barclay, Esquire, Consul General of the United States in France, have constituted, appointed and employed, and do, by these presents, constitute, appoint and employ him the said Thomas Barclay, as agent in the business aforesaid, hereby giving him full authority under our directions and instructions, to commence and prosecute negotiations and conferences for the said treaty, with such person or persons, on the part of the Emperor of Morocco, as his Majesty shall appoint and empower for that purpose—

Provided, always, that the treaty in question shall be

signed by us, but that preliminary articles thereto may, if previously approved by us, be signed by the said agent.

In testimony whereof, we have hereto set our hands and seals.

London, October 5, 1785, JOHN ADAMS.

Paris, October 11, 1785, TH: JEFFERSON.

N. B. The commission to John Lamb, Esquire, agent to the Dey and Government of Algiers, is of the same tenor and date.



Instructions to Thomas Barclay.

Congress having been pleased to invest us with full powers, for entering into a treaty of amity and commerce with the Emperor of Morocco, and it being impracticable for us to attend his Court in person, and equally impracticable on account of our separate stations to receive a Minister from him, we have concluded to effect our object by the intervention of a confidential person. We concur in wishing to avail the United States of your talents in the execution of this business, and therefore furnish you with a letter to the Emperor of Morocco, to give a due credit to your transactions with him. We advise you to proceed by the way of Madrid, where you will have opportunities of deriving many lights from Mr. Carmichael, through whom many communications with the Court of Morocco have already passed. From thence you will proceed by such route as you shall think best, to the Court of the Emperor. You will present to him our letter, with the copy of our full powers, with which you

are furnished, at such time or times and in such manner, as you shall think best.

As the negotiation and conclusion of a treaty may be a work of time, you will endeavor in the first place to procure an immediate suspension of hostilities.

You will proceed to negotiate with his Minister, the terms of a treaty of amity and commerce as nearly as possible conformed to the draught we give you ; where alterations, which in your opinion, shall not be of great importance, shall be urged by the other party, you are at liberty to agree to them : where they shall be of great importance, and such as you think should be rejected, you will reject them ; but where they are of great importance and you think they may be accepted, you will ask time to take our advice, and you will advise with us accordingly, by letter or by courier, as you shall think best. When the articles shall all be agreed, you will sign them in a preliminary form and send them to us, by some proper person for definitive execution.

The whole expenses of this treaty, including as well the expenses of all persons employed about it, as the presents to the Emperor and his servants, must not exceed 20,000 dollars, and we urge you to use your best endeavors to bring them as much below that sum as you possibly can, and to this end, we leave it to your discretion to represent to his Majesty or to his Ministers, if it may be done with safety, the particular circumstances of the United States, just emerging from a long and distressing war, with one of the most powerful nations of Europe, which we hope may be an apology, if our presents should not be so splendid, as those of older and abler nations.

As custom may have rendered some presents necessary

in the beginning or progress of this business, and before it is concluded, or even in a way to be concluded, we authorize you to conform to the custom: confiding in your discretion to hazard as little as possible, before the certainty of the event, and to provide that your engagements shall become binding only, on the execution of the treaty.

We trust to you also, to procure the best information, in what form, and to what persons these presents should be made, and to make them accordingly.

The difference between the customs of that and other Courts, the difficulty of obtaining a knowledge of those customs, but on the spot, and our great confidence in your discretion, induce us to leave to that, all other circumstances relative to the object of your mission.

It will be necessary for you to take a Secretary well skilled in the French language, to aid you in your business, and to take charge of your papers in case of any accident to yourself. We think you may allow him one hundred and fifty guineas a year, besides his expenses for travelling and subsistence.

We engage to furnish your own expenses, according to the respectability of the character, with which you are invested; but as to the allowance for your trouble, we wish to leave it to Congress.

We annex hereto sandy heads of inquiry, which we wish you to make, and to give us thereon the best information, you shall be able to obtain. We desire you to correspond by every opportunity, which you think should be trusted; giving us from time to time an account of your proceedings and prospects, by the way of Holland, under care to Mr. Dumas, at the Hague, or Messrs. Willinks, of Amsterdam; by the way of Eng-

land, to Uriah Forrest, Esq. by way of France, to M. Grand, Paris; and to Mr. Carmichael, by way of Spain.

We wish you a pleasant journey and happy success, being

With great esteem, &c.

N. B. The instructions to Mr. Lamb are the same, except in the style of the Court, the passage, page 415 "through whom," &c. in lieu of which is substituted, "and from the Minister from Algiers to the Court of Madrid and the Count d'Espilly, lately arrived there from Algiers, who, doubtless, are persons of credit and information with their government," and in page 416 instead of to "20,000 dollars," is inserted "40,000 dollars."



Heads of inquiry for Mr. Barclay, as to Morocco, Algiers, Tunis, &c.

1ST, COMMERCE.

What are the articles of their export and import? What articles of American produce might find a market in Morocco, Algiers, Tunis, Tripoli, &c. and at what prices; whether rice, flour, tobacco, furs, ready built ships, fish, oil, tar, turpentine, ship timbers, &c.; and whether any of these articles would hereafter be acceptable as presents? What duties are levied by them on exports and imports; do all nations pay the same, or what nations are favored, and how far? Are they their own carriers, or who carries for them? Do they trade, themselves, to other countries, or are they merely passive? What manufactures or productions of these countries would be convenient in America, and at what prices?

2D, PORTS.

What are their principal ports? What depth of water into them? What works of defence protect these ports?

3D, NAVAL FORCE.

How many armed vessels have they? Of what kind and force? What is the constitution of their naval force? What resources for increasing their navy? What number of seamen, their cruising grounds, and season of cruising?

4TH, PRISONERS.

What is their condition and treatment? At what price are they ordinarily redeemed, and how? Do they pay respect to the treaties they make?

Land Forces.—Their numbers, constitution, respectability, revenues, their amount.

5TH, LANGUAGE.

What language is spoken, and what European language is most understood?

6TH, GOVERNMENT.

What is their connexion with the Ottoman Porte? Is there any dependence or subordination to it acknowledged, and what degree of power or influence has it?

7TH, RELIGION.

By what principle of their religion is it, that they consider all Christian powers as their enemies, until they become friends by treaties?

8TH, CAPTURES.

What captures have they made of ships, or citizens of the United States and any other nation? What nations are they now at war with?

N. B. Similar heads of inquiry were given to Mr. Lamb.

Supplementary instruction for Mr. Lamb.

We have received information, that two American vessels, the *Dauphin*, from Philadelphia, and the *Maria*, from Boston, with their crews and cargoes, have lately been taken by the Algerines, off the coast of Portugal, and that the crews are reduced to slavery. Our full powers to that State, being for the general purpose only of concluding a treaty of amity and commerce, the redemption of our citizens, made captive before the conclusion of such treaty, may not be thought comprehended within those powers, nevertheless, as the misfortune of these, our countrymen, has not been produced, by any fault or folly of theirs, as their situation would ill admit the delay, of our asking and receiving the pleasure of Congress on that subject, and as we presume strongly, that it would be the will of Congress that they should be redeemed from their present calamitous condition, we think ourselves bound, in so distant a situation, and where the emergency of the case is so great, to act according to what we think would be the desire of Congress, and to trust to their goodness, and the purity of our own motives, for our justification.

We, therefore, authorize you to treat for the emancipation of the crews of the said vessels, and of any others, which have or may be taken, by the same power before the cessation of hostilities, which we expect you to effect; administering in the meantime such necessary aids as their situation may require. In negotiating this special treaty, you are to consider yourself as acting for the masters of the vessels, as well as for the United States, and you will agree to no terms, which they shall not approve.

You will take from them their obligations, each for his crew separately, binding themselves and their owners, to indemnify the United States for the moneys, which shall be paid for their redemption, subsistence, transportation to their own country, and other charges incurred. If the Congress shall be of opinion, that such indemnification should be required, transmitting to us such special treaty, for our definite execution. You will also adopt the best measures you can, for returning the citizens you shall redeem, to their own country. As we require a transmission of this treaty, before its definitive conclusion, it is the less necessary for us to speak of the sum, which you may venture to engage. We do not expect to redeem our captives for less than one hundred dollars a head, and we should be fearful to go beyond the double of that sum. However, we trust much in your discretion and good management for obtaining them on terms still better than these, if possible.



Instructions to Thomas Barclay and J. Lamb.

Grosvenor Square, Westminster, }
October 6, 1785. }

Sir,

The United States of America in Congress assembled on the 14th day of February last, resolved that the Ministers of the United States, who are directed to form treaties with the Emperor of Morocco, and the regencies of Algiers, Tunis and Tripoli, be empowered to apply any money in Europe belonging to the United States to that use. As you are appointed to proceed to Morocco

as agent for forming such treaty with the Emperor, you are hereby authorized and empowered to draw bills of exchange, to the amount of a sum not exceeding twenty thousand dollars, at one or two usances upon "John Adams, Esq. Minister Plenipotentiary of the United States of America, at the Court of Great Britain, residing in Grosvenor square, at the corner between Duke street and Brook street," who will regularly accept and pay the same either at the house of R. & C. Puller in London, or of Wilhem & John Willink, and Nicholas & Jacob Staphorts at Amsterdam.

Your bills are, however, to be always accompanied with a letter of advice in your hand writing to Mr. Adams, a duplicate of which you will also send by some other conveyance.

With great respect, &c.

Grosvenor square, London,

October 6, 1785.

JOHN ADAMS,

Paris, October 11, 1785.

TH: JEFFERSON.

N. B. A letter of credit of the same tenor is also given to John Lamb, Esq, agent to the Dey and government of Algiers, substituting "forty thousand" instead of "twenty thousand dollars," and adding after the passage "with a letter of advice" "and as your hand writing is wholly unknown to Mr. Adams, these letters of advice are always to be in the hand writing of Paul R. Randall, Esq. who accompanies you, whose hand writing is left in the custody of Mr. Adams, as a check and a proof by comparison. The letters however are to be subscribed by you."

FROM THOMAS JEFFERSON AND JOHN ADAMS, MINISTERS,
&C. TO THE EMPEROR OF MOROCCO.

The Congress of the United States of America, after the conclusion of that war which established their freedom and independence, and after the cares which were first necessary for the restoration of order and regular Government, turned their attention in the first moment possible, to the connexions which it would be proper to form with the nations on this side the Atlantic, for the maintenance of friendship, and improvement of commerce with them.

They, therefore, on the twelfth day of May, in the last year, thought proper to appoint us, with Doctor Benjamin Franklin, their Ministers Plenipotentiary to negotiate and conclude such treaties of amity and commerce, as should be agreed on with those nations.

The variety of the commissions of this nature, with which we were charged, rendered impracticable our attending in person at the several Courts, to which they were addressed, and required that we should execute them by the intervention of confidential persons, to be sent to those Courts. Congress, sensible of this, have been pleased, by other full powers, bearing date the eleventh day of March last, to give to the same Ministers, or a majority of them, authority to appoint such agents for the purpose of negotiating these treaties under our instructions, of bringing them to maturity, and of signing them in a preliminary form, referring them to us for definitive execution, as by the full powers, a copy of which we have the honor of transmitting herewith to your Majesty, will more particularly appear. Doctor Franklin,

our colleague, having found it necessary to return to America, the execution of these full powers has devolved on us alone.

As the circumstances before explained, put it out of our power, to have the honor of presenting ourselves in person, at the Court of your Majesty, so others supervised, which rendered impracticable our meeting at any other place, such Ministers as your Majesty might condescend to authorize to treat with us, on the subjects with which we were charged: one of us being placed as Minister Plenipotentiary for the United States, at the Court of Great Britain, and the other in the same character, at the Court of France.

We have, therefore, adopted the only remaining method, that of sending a confidential agent, according to the authority given us, to testify to your Majesty our high respect and gratitude, for the friendly disposition you have manifested to the United States, to assure you of the desire of our country, to form a connexion with a sovereign so renowned for his power, his wisdom, his justice, and to concert with such Minister as your Majesty shall think proper to appoint, those conditions which will be most advantageous for both nations to adopt for the regulation of their commerce, and of their mutual conduct towards each other.

The person whom we charge with this high mission, is Thomas Barclay, Esquire, possessing, in the highest degree, the confidence of the United States, and as such, having been several years, and still being, their Consul General, with our great and good friend and ally, the King of France.

Although our full powers reserve to us the ultimate

signature of the treaty to be established, yet such is our reliance on the wisdom and integrity of Mr. Barclay, that we assure your Majesty, you may have full faith in whatever he shall agree to, and that the same, when sent to us, will be returned with our signature, in order to receive that of the person, whom your Majesty shall commission for the same purpose.

With the most profound respect and our best wishes for the health, happiness, prosperity, and glory, of your Imperial Majesty, we have the honor to subscribe ourselves,

Your Majesty's

Most obedient humble Servants.

N. B. In the letter to Algiers the term "your Majesty," is changed—"to testify, &c." included in crotchets, is left out, and instead of the passage "Thomas Barclay," is inserted "John Lamb, Esquire, a citizen of the United States, in whose wisdom and integrity we have so high confidence that, though our full powers reserve to us the ultimate signature of the treaty, that we can venture to assure that we will ratify and confirm definitively, whatever preliminary condition he shall agree to and transmit to us for that purpose."



FROM JOHN ADAMS AND THOMAS JEFFERSON TO THE
COUNT DE VERGENNES.

Sir,

The friendly disposition which his Majesty has been pleased to show, to the United States of America, on every

occasion, as well as the assurances given them in the eighth article of the treaty of amity and commerce, that he would employ his good offices and interposition, with the powers on the coast of Barbary, to provide for the safety of the citizens of the United States, their vessels and effects, encouraged us to address you our letter of March 28th, on that subject. To this, you were pleased to favor us with an answer on the 28th April, enclosing the sentiments of his Excellency the M. de Castries on the same subject, and confirming our expectations of his Majesty's good offices, whensoever we should be efficaciously prepared, to enter into negotiation with these States. As circumstances rendered impracticable our proceeding in person to that coast, Congress has been pleased to invest us with full powers, authorizing us to substitute agents to proceed thither, for the purpose of negotiating and maturing the terms of a treaty, and signing them in a preliminary form, but requiring their definitive execution by us. They have also permitted, and enabled us to comply with those demands, to which other nations are in the habit of submitting. In consequence of these powers, we have appointed Thomas Barclay, Esquire, agent to the Court of Morocco, and John Lamb, Esquire, to the government of Algiers, who will immediately proceed to their respective destinations, for the purpose of negotiating treaties of amity and commerce with those two powers.

It remains for us to apprise your Excellency of these transactions, and to beg leave, through you, to represent to his Majesty, that, being now fully vested with the powers requisite, for carrying these negotiations into effect, and enabled to comply with such moderate demands,

as actual circumstances give us reason to expect, the moment is arrived, in which his powerful influence with those States; may be interposed to our great benefit; and to pray that he will interpose it, either by direct address to those powers, or through the medium of his Ministers, Consuls, or Agents residing there, or in such other manner, as his Majesty shall judge most consistent with his honor, and most likely to avail the United States of his efficacious aid.

We have the honor to be, &c.

JOHN ADAMS,

TH: JEFFERSON.



FROM THOMAS JEFFERSON AND JOHN ADAMS TO MR.
CARMICHAEL.

Mr. Barclay will deliver you this letter in his way to Morocco.

We have appointed him to this negotiation, in hopes of obtaining the friendship of that State to our country, and of opening, by that means, the commerce of the Mediterranean, an object of sufficient importance to induce him to accept of the trust.

We recommend him and Colonel Franks, who goes with him, to your attention and assistance, and we particularly desire you to interest the Court of Spain in his favor, if you think it practicable. Your success upon many occasions with the Spanish Ministers, gives us hopes that you may obtain for him instructions or letters, to Spanish Consuls or other gentlemen, which may contribute both to the comfort of his travels, and the success of his mission.

Any despatches for us, which he may convey to you, your own just sense of the importance of them, will induce you to transmit to us with all possible care.

We are informed of the friendly attention of the Court of Madrid, to the case of our fellow-citizens, late in captivity, as well as on many other occasions, and, if you think it will not be taken amiss, you will oblige us by expressing our grateful sense of it, wherever you think proper.

With great respect, we have honor to be, &c
 London, Sept. 12, 1785, JOHN ADAMS,
 TH: JEFFERSON.

N. B. A Similar letter was given to Mr. Lamb.



Draft of a treaty of amity and commerce, between the United States of America and the _____ for the purpose of establishing peace, and friendship, and commerce, between the United States of America and their citizens, on the one part, and _____ and his subjects on the other, the parties have established the following articles.

ARTICLE I. There shall be a firm, inviolable and universal peace and sincere friendship between the United States of America, and their citizens on the one part, and _____ and his subjects on the other part, without exception of persons or places.

ARTICLE II. His Majesty agrees to release all citizens of the United States, now in captivity in his dominions, and to restore all property, which has been taken by any of his subjects, from citizens of the United States.

ARTICLE III. No vessels of his Majesty shall make captures, or cruise within sight of the coasts of the United States.

ARTICLE IV. No citizen or subject of either party shall take from any power with whom the other may be at war, any commission or letter of marque for arming any vessel, to act as a privateer against the other, on pain of being punished as a pirate.

ARTICLE V. If one of the parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers, shall not be interrupted. On the contrary in that case, as in full peace, the vessels of the neutral party may navigate freely, to and from the ports, and on the coasts of the belligerent parties, free vessels making free goods; inasmuch that all things shall be adjudged free, which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons, who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

In like manner all persons, subjects, or citizens, of either party, and all property belonging to subjects, or citizens of either party, found on board a vessel of the enemy of the other, shall be free from capture and detention.

ARTICLE VI. In the same case where one of the parties is engaged in a war with any other power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea letters, or passports, which shall express the name,

the property and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require) shall be renewed, as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea, as in port. But if the said vessel be under convoy, of one or more vessels of war belonging to the neutral party, the simple declaration of the officer, commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE VII. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat, on board the same to examine her sea letters or passports.

ARTICLE VIII. All persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever, the people, vessel, or effects, of the other party, shall be responsible in their persons and property, for damages and interest, sufficient security for which, shall be given by all commanders of private armed vessels, before they are commissioned.

ARTICLE IX. All citizens of the United States, taken by any of the powers of Barbary or their subjects, and brought into any of the ports or dominions of the Emperor of Morocco, shall be immediately set at liberty by

the Emperor ; and all vessels and merchandize, belonging to citizens of the United States, and taken by any of the said powers, or their subjects, and brought into any of the ports, or dominions of his Majesty, shall, in like manner, be caused by his Majesty to be delivered up by the captors, without being carried out of port, and shall be faithfully restored, to the said citizens owning them.

ARTICLE X. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, or needing repairs, or supplies of water, food, or other necessaries, shall take refuge, with their vessels or effects, within the harbors, or jurisdiction of the other; or, if the armed vessels, public or private, of either party shall take such refuge, for any of the same causes, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

ARTICLE XI. When any vessel, of either party, shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominions of the other, their respective subjects or citizens shall receive; as well for themselves as for their vessels and effects, the same assistance which would be due, to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only, as the said inhabitants of the country would be subject to pay in a like case; and if the operations of repair shall require, that the whole or any part of their cargoes be unloaded, they shall pay no duties, charges or fees on the part, which they shall relade and carry away.

ARTICLE XII. The vessels of the subjects, or citizens of either party, coming on any coast belonging to the other, but not willing to enter into any port, or being entered into port, and not willing to unload their cargoes, or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to pay any duties, charges or fees, whatsoever, or to render any account of their cargo.

ARTICLE XIII. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects, belonging to the citizens or subjects of the other, and the persons of the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or land, and shall use all their efforts to liberate such persons, and to recover and cause to be restored to the right owners, their vessels and effects, which shall be taken within the extent of their said jurisdiction.

ARTICLE XIV. Whenever the vessels of either party, in any port of the other, shall be about to depart, all hostile vessels in the same port, or its vicinities, shall be detained by the party, within whose jurisdiction they are, until such vessel shall have had a reasonable time to escape.

ARTICLE XV. No vessels of war of the United States, within the ports of his Majesty, shall be searched under pretence of their having on board fugitive slaves, or under any other pretence whatever, nor shall any person be required to pay for any such slaves, nor to redeliver them, if any such should really have taken asylum therein.

ARTICLE XVI. The vessels of war of either party, coming to anchor in a port of the other, shall be saluted by the forts or batteries, with as many guns as a vessel of

the same size of any other nation, which vessel shall return the salute gun for gun.

ARTICLE XVII. The subjects or citizens of either party may frequent the coasts and countries of the other, and reside and trade there in all sorts of produce, manufactures and merchandize, the purchase and sale of which shall be free to all persons of every description unembarrassed by monopoly, paying no greater duties than the most favored nation pays, and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which the subjects of the most favored nation enjoy. They shall also be free to pass and repass with their merchandize, within the territories of the other, without being obliged to obtain passports.

ARTICLE XVIII. All merchants, commanders of vessels, and other subjects and citizens of each party, shall have free liberty, in all places within the dominion or jurisdiction of the other, to manage their own business themselves, or to employ whomsoever they please to manage the whole, or any part for them; and shall not be obliged to make use of any interpreter, broker or other person, whatsoever, nor pay them any salaries or fees, unless they choose to make use of them.

Moreover they shall not be obliged in loading or unloading their vessels, to make use of those workmen, which may be appointed by public authority for that purpose; but it shall be entirely free for them to load or unload them by themselves, or to make use of such persons in loading or unloading them as they shall think fit, without paying any fees or salary to any other whomsoever; neither shall they be forced to unload any sort of merchandize into any other vessels, or to receive them into

their own, or to wait for their being loaded longer than they please.

ARTICLE XIX. No merchant or other citizen or subject of either party, within the territories of the other, shall be obliged to buy or sell any merchandize or thing against his will, and shall be free to buy and sell whatever he may think proper.

ARTICLE XX. That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly detained, it is agreed that all examinations of goods required by the laws shall be made before they shall be laden on board the vessel, and that there shall be no examination after, nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land, in which he is; but no person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause.

ARTICLE XXI. The subjects or citizens of either party, their vessels and effects, shall not be liable to any embargo, seizure or detention on the part of the other for any military expedition, or other public or private purpose whatever; and in all cases of seizure, detention, or arrest for debts contracted by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceeding usual in such cases.

ARTICLE XXII. If any difference, either civil or criminal, arise between two citizens of the United States, with-

in the territories of his Majesty, neither shall be bound to answer or appear before the judiciary institutions of the country, nor to obey any officer or process thereof; but it shall be decided by the Consul for the United States, who shall have full authority, in every such case, civil or criminal, to proceed according to the instructions he shall have received from Congress. But if the power of the country shall be necessary to aid him in the arrest, detention or punishment of one of the parties, he shall receive such aid.

ARTICLE XXIII. If any citizen of the United States, within the territories of his Majesty, assault, strike, wound or kill a subject of his Majesty, or any other person under his protection (other than a fellow citizen, which case is herein before provided for,) he shall be punished in the same manner, and not more rigorously than a subject, who should have committed the same offence, nor shall he be punished until the Consul of his nation shall have been called on to defend him; and if he make his escape, neither the said Consul, nor any other citizen of the said United States, shall be detained or molested on that account.

A subject of his Majesty committing a like offence within his territories, on a citizen of the United States, shall be punished in the same manner as if he had committed it on one of his Majesty's subjects.

ARTICLE XXIV. The citizens or subjects of the United States, shall have power to dispose of their personal goods, within the jurisdiction of his Majesty, by testament, donation or otherwise, and their representatives shall succeed to their said personal goods, within the same jurisdiction, by testament or *ab intestato*, and may

take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only, as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, the Consul, Vice Consul or Agent for the United States, shall take care of the said goods, according to his instructions, or, if there be no such Consul, Vice Consul or Agent, then certain good and principal people of the country shall be appointed to make an inventory of them, and to take care of them for the representative, so that the officers of the said country may not meddle with them, on pretence of escheat, forfeiture, or any other pretence whatever.

ARTICLE XXV. Each party shall be at liberty to keep within any of the ports of the other, Consuls, Vice Consuls, Agents or Commissaries of their own appointment, who shall be free and secure in their persons, houses and effects, and shall not in any case be bound to answer for the debts of any citizens of their nation, or others, unless they shall have obliged themselves thereto by writing. Each of them shall be at liberty to choose his own interpreters, brokers and other agents and servants, to go as often as he pleases on board any vessels in the harbors, to pass and repass in the country, to practice his own religion in his own house openly and freely, and to receive any other persons there to do the same, without being subject to molestation or insult, by word or deed; he shall enjoy an exemption from all duties for the provisions and necessaries of every kind for his house and family, shall be authorized to take depositions, authenticate contracts, deeds, wills and other writings, give pass-

ports, and perform all other the functions of his office according to his instructions, without impediment from any, but, on the contrary shall be aided therein by the power of the country, when he shall ask such aid.

ARTICLE XXVI. If any contravention of this treaty shall happen, the peace shall continue nevertheless ; but the party injured shall demand amicable reparation, and, until this shall have been denied, shall not appeal to arms.

ARTICLE XXVII. If war should arise between the two parties, the subjects or citizens of either country, then residing or being in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance.

ARTICLE XXVIII. If either party shall hereafter grant to any other nation any particular favor in navigation and commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the compensation, where such other nation does the same.

ARTICLE XXIX. This treaty shall be in force fifty years from the exchange of ratifications, which exchange shall be within eighteen months from the date hereof, and in the meantime the several articles thereof shall be observed on both sides, as if they were already ratified.

In witness whereof, &c.

Report of Secretary Jay.

Office for Foreign Affairs, }
 May 11, 1786. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 11th October last, from the Honorable Mr. Jefferson, with the sundry papers that were enclosed with it, Reports;

That as this letter and these papers respect subjects unconnected with each other, your Secretary finds it necessary to arrange them under different heads, and report on each in its proper order.

NEGOTIATIONS WITH THE BARBARY POWERS.

1st. The commissions of Messrs. Adams and Jefferson appointing Mr. Barclay to treat with Morocco, and Mr. Lamb with Algiers, and their general instructions to each of them, and the project of a treaty, all of which appear to your Secretary to be proper; but he much doubts whether the sums allotted for presents and peace offerings will be sufficient.

2d. A letter to Mr. Jefferson from Richard O'Bryen, master of the ship Dauphin, belonging to Messrs. Mathew and Thomas Irwin & Co. of Philadelphia, captured by the Algerines 30th July, 1785. This letter is similar to one written by the same person, on the 28th August last, to his Excellency the President of Congress, and on which your Secretary made report the 2d January last.

This letter, however, gave occasion to the supplementary instruction to Mr. Lamb, by which he is authorized to supply and redeem American captives, in the manner and on the terms therein specified. Mr. Jefferson, in men-

tioning this instruction says, "The supplementary instruction to Mr. Lamb, No. 5, must rest for justification on the emergency of the case. The motives which lead to it must be found in the feelings of the human heart, in a partiality for those sufferers, who are of our own country, and the obligations of every Government to yield protection to their citizens, as the consideration of their obedience. *It will be a comfort to know that Congress does not disapprove of this step.*"

In cases of this kind, your Secretary thinks the sentiments and pleasure of Congress should not remain doubtful, and that in his opinion it be,

Resolved, That the Secretary for the Department of Foreign Affairs, inform Mr. Adams and Mr. Jefferson that Congress approve of their supplementary instruction to Mr. Lamb, respecting American captives at Algiers.

TREATY WITH PORTUGAL.

Mr. Jefferson says, "That considering the treaty with Portugal among the most interesting to the United States, he sometime ago took occasion, at Versailles, to ask the Portuguese Ambassador, if he had yet received from his Court an answer to their letter. He told him he had not, but that he would make it the subject of another letter. Two days ago his Secretary of Legation called on him with a letter from his Minister to the Ambassador, in which was the following paragraph, as he translated it to him, and he committed it to writing from his mouth." This paragraph being in French, the following is a translation of it, viz: "With respect to what your Excellency mentions of a conversation with the American Minister, that power ought already to be

“ persuaded, by the manner in which their vessels have
“ been received here, that his Majesty would have much
“ satisfaction, in maintaining perfect harmony and good
“ correspondence with the United States. But it would
“ be proper to begin by reciprocally appointing persons
“ who at least, in the character of agent, should respec-
“ tively inform their constituents of whatever might con-
“ duce to a knowledge of the interest of the two nations,
“ without prejudice to the one or the other. It is the first
“ step which appears convenient to take, in order to the
“ end proposed.”

Mr. Jefferson says he considers that answer “as de-
“ finitive of all further measures under his and Mr. Ad-
“ ams’ commission to Portugal.”

Here it appears proper to your Secretary to remind Congress of a letter of 5th November last from Mr. Adams, on this subject, and on which he thinks instructions should be given to Mr. Adams.

It states the substance of a conference between him and the Chevalier Pinto, Envoy Extraordinary and Minister Plenipotentiary from Portugal; to whom it seems that Court had thought proper to commit the conduct of their negotiations with us, in preference to their Ambassador at the Court of France.

The overture made in that conference, together with the importance of our trade to Portugal, induces your Secretary to think that it would be advisable to take measures, for concluding a treaty of commerce with that kingdom; and the more so, as the commercial privileges we now enjoy in their ports, are matters of favor, which may at any time be recalled, and which would probably be diminished, if apparent inattention to their friendly overtures, should mortify and disgust that Court.

TREATIES WITH OTHER POWERS.

A subsequent letter from Mr. Jefferson, viz : 27th January, 1786, mentions that the Emperor is willing to proceed with us. There is reason to believe that Denmark is also ready, and that Naples has intimated the same thing.

Your Secretary has in former reports expressed his sentiments, respecting treaties of the kind proposed, but as the first overtures for them were made by America, it seems difficult now to retract, merely because the answers though favorable have been so long delayed. The delicate situation of the United States requires caution, and it might be better to submit to some temporary evil, rather than disgust those powers, who may now be ready to enter into treaties with us ; and whose ports in case of war might be very convenient to us. Your Secretary is therefore much inclined to think, that it would be more prudent to renew the commission, and by limiting the duration of the proposed treaties to a short term, provide that the inconveniences arising from them, shall not be of longer continuance. Circumstances will by that time probably place the United States on more advantageous ground, and enable them to make treaties far more beneficial, than any that can now be expected. In his opinion however no further overtures should be made, nor any negotiations for such treaties commenced with any nation, except those who may have declared their readiness and inclination to enter into them.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, December 24, 1785.

Sir,

Since my last to you, which were dated the 6th and 11th of October, I have been honored with yours of the 1st, 14th and 15th of September. Since the departure of Mr. Fitzhugh, who carried my last, no confidential opportunity of writing has offered. The present I send by way of London, and being to pass through the post offices of both countries, shall mention in it nothing but what both are welcome to see.

I now transmit you Mr. Limozin's answer, relative to Fortin's case. You will see by this, that Fortin never had commenced a suit here at all, and of course was premature in his complaints of the delay of justice.

I enclose, also, a copy of a receipt of Commodore Jones, for moneys paid him on account of the prizes taken by him. It will enable the Commissioners to enter due debits. The Mareschal de Castries having been pleased to direct copies of the receipts to be furnished to me, in proportion as payments are made, I shall take care to forward them.

The prospectus of the mercantile establishment at Trieste, for a commerce with the United States, which I have the honor of now enclosing, was communicated to me by the Imperial Ambassador here, by order of his Sovereign, who asks the patronage of Congress for this company. I assured his Ambassador, that they might rely on every protection from Congress, should any circumstances ever call for their interference.

I take the liberty of sending you copies of two letters I wrote to Messrs. Van Staphorst, in answer to some inquiries they made of me, relative to some paper securities of the United States, proposed to them by Mr. Daniel Parker.

Being informed that they afterwards received these securities, as for the United States, perhaps these letters may throw light on that measure. At any rate, they will shew, that I considered it as out of my province, and meddled not in it, further than by informing them of matters of fact.

An American gentleman, who will leave this place for New York, about the 1st of February, will enable me to write to you on subjects, not proper for the present conveyance.

In the meantime, it may be expedient to mention that the duties here on *American* whale oil, are reduced to eleven livres, five sous, the barrel of five hundred pounds, French, or about two livres in the English hundred. They were, before, thirty-six livres fifteen sous, the barrel of five hundred pounds.

I have the honor to be, &c.

TH: JEFFERSON.



MR. LIMOZIN'S ANSWER RELATIVE TO FORTIN'S CASE.

Havre de Grace. October 4, 1785.

Most Honored Sir,

Agreeably to my promise, I have the honor to transmit to your Excellency a copy of the letter I wrote the 11th October, 1782, to Joseph Fortin, about the estate to

which he would be entitled, had his father not altered his Christian name when he landed in America.

With the copy of the said letter, is that of the register taken from the books of the Church, and an authentic advertisement of sales.

By these vouchers, your Excellency will be able to see, that it is impossible for that Fortin to claim the said estate, as long as he will call himself son of Joseph Fortin, as he does by the vouchers he sent me; because none of the family of the deceased Fortin who left that estate, was called Joseph.

I have the honor to be, &c.

ANDREW LIMOZIN.



FROM ANDREW LIMOZIN TO THOMAS JEFFERSON.

Havre de Grace, October 11, 1785.

Most Honored Sir,

I received, just now, the letters your Excellency has honored me with the 8th of this month.

I have not been imprudent enough to begin a law suit with the vouchers Fortin sent me, because, according to our laws, I was sure to lose it directly, and to prevent (by giving communication of such vouchers) the said Fortin to ever have the least right to the estate, about which I wrote to him.

For, under the name of Joseph Fortin, he will never be entitled to enjoy the said estate. For it is proved by the Church books, that none of the deceased Fortin's family, who left the estate, were called Joseph, but that there is one missing called Jean Baptiste.

I would not begin a law suit, because I should be sure to lose it, and who would re-imburse me for my expenses? There is no other method for that Fortin, but to get his vouchers under the name of Jean Baptiste, instead of that of Joseph, and if he cannot do it, he will never get a farthing.

I have the honor to be, &c.

ANDREW LIMOZIN.



FROM M. DE CASTRIES TO THOMAS JEFFERSON.

Translation.

Fontainebleau, October 28, 1785.

Sir,

I have the honor to send you certified copies of the two receipts which Mr. Jones has given to the treasurer of the port of L'Orient for the sums which have been paid to him, as shares of the prizes belonging to the subjects of the United States.

You will observe, sir, that Mr. Jones has received *one hundred and five thousand one hundred and eighty-five livres, three sols, six deniers*, for the crew of the Alliance frigate, and *seventy five thousand eight hundred and fifty three livres, eighteen sols, four deniers*, as well for the shares of prizes due to him personally, as for those of the Americans, belonging to the vessels called the *Bon Homme Richard*, and the *Pallas* frigate.

I have the honor to be, &c.

LE M. DE CASTRIES.

*Shares of the prizes made in 1779, by the squadron of
Commodore Paul Jones.*

Translation.

To M. Paul Jones, Commandant of the squadron consisting of the Bon Homme Richard, the Alliance, the Pallas, and the Vengeance, as well for what is due to him, as Captain of the Bon Homme Richard, as for the shares of the Americans and foreigners, composing the crew of the said vessel, and for several powers in favor of the said Commodore, the sum of *Liv.75,532 Os. 5d.*

To the said Sieur Paul Jones for the shares due to the Americans, who belonged to the Pallas frigate,

amounting to, - - - - 321 17 11

Total. *Liv. 75,853 18 4*

We, Commodore of the naval forces of the United States of America, authorized by the Congress, and the Mareschal de Castries, Minister and Secretary of State for the Department of Marine, to receive the amount of prizes of the American subjects and foreigners, according to a letter of the 15th July, 1785, acknowledge to have received of M. Gratien de Comorre, treasurer of Marine for this port, and charged with the continuance of the payments of the late M. Bourgeois, the sum of seventy five thousand eight hundred and fifty three livres, eighteen sols, four deniers, in full,.

PAUL JONES.

L'Orient, August 18, 1785.

Certified to have counted, the 18th August last, to Commodore Paul Jones, the sum of seventy-five thousand, eight hundred and fifty-three livres, eighteen sols, four deniers. Given at L'Orient, 10th October, 1785.

GRATIEN DE COMORRE.



Shares of the prizes made in 1779, by the Squadron of Commodore Paul Jones.

Translation.

L'Orient, September 5, 1785.

To M. Paul Jones, Commandant of the squadron, consisting of the Bon Homme Richard, the Alliance, the Pallas, and the Vengeance, for what is due to the frigate Alliance, commanded by M. Landais, the sum of one hundred and five thousand, one hundred and eighty-five livres, three sols, six deniers. 105,185*liv.* 3*s.* 6*d.*

We, Commodore of the naval forces of the United States of America, authorized by the Congress and orders of the Mareschal de Castries, Minister and Secretary of State, for the Department of Marine, to receive the amount due to the Alliance frigate, belonging to the United States, commanded by M. Landais, according to the despatches of 19th and 26th August, 1785, acknowledge to have received of M. Gratién de Comorre, Treasurer of Marine for this port, and charged with the continuation of the payments of the late Mr. Bourgeois, the sum of one hundred and five thousand, one hundred and eighty-five livres, three sols, six deniers, in full.

PAUL JONES.

Certified to have counted, the 5th September, 1785, to Commodore Paul Jones, the sum of one hundred and five thousand, one hundred and eighty-five livres, three sols, six deniers.

Given at L'Orient, 10th October, 1785.

GRATIEN DE COMORRE.



FROM THOMAS JEFFERSON TO MESSRS. VAN STAPHORST.

Paris, October 12, 1785.

Gentlemen,

The receipt of your favor of September 19th, should not have been so long unacknowledged, but that I have been peculiarly and very closely engaged, ever since it came to hand.

With respect to the expediency of the arrangement you propose to make with Mr. Parker, I must observe to you that it would be altogether out of my province, to give an official opinion for your direction.

These transactions appertain altogether to the Commissioners of the Treasury, to whom you have very properly written on the occasion. I shall always be willing, however, to apprise you of any facts I may be acquainted with, and which might enable you to proceed with more certainty; and even to give my private opinion, where I am acquainted with the subject, leaving you the most perfect liberty to give it what weight you should think proper.

In the present case, I cannot give even a private opinion, because I am not told what are precisely the securities offered by Mr. Parker. So various are the securities

of the United States, that unless they are precisely described by their dates, consideration, and other material circumstances, no man on earth can say what they are worth. One fact, however, is certain, that all debts, of any considerable amount, contracted by the United States, while their paper money existed, are subject to a deduction, and not payable at any fixed period.

I think I may venture to say also, that there are no debts of the United States on the same footing, with the money loaned by Holland, except those due to the Kings of France and Spain.

However, I hope you will soon receive the answers of the Commissioners, which alone can decide authoritatively what is to be done.

I have the honor to be, &c.

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO MESSRS. VAN STAPHORSTS.

Paris, October 25, 1785.

Gentlemen,

I received yesterday your letter of the 20th instant. In order to give you the information you desire on the subject of the *liquidated* debts of the United States, and the comparative footing on which they stand, I must observe to you that the first and great division of our federal debt is into; 1. foreign, and 2. domestic. The foreign debt comprehends; 1. the loan of the government of Spain, 2. the loan from the government of France, and from the Farmer's General, 3. the loans negotiated in Holland by order of Congress. This branch of our debt stands absolutely singular: no man in the United

States having ever supposed that Congress or their legislatures can in any wise modify or alter it. They justly view the United States as the one party, and the lenders as the other, and that the consent of both would be requisite, were any modification proposed. But with respect to the domestic debt, they consider Congress as representing both the borrowers and lenders, and that the modifications which have taken place in this, have been necessary to do justice between the two parties, and that they flowed properly from Congress as their mutual umpire. The domestic debt comprehends; 1. the army debt, 2. the loan office debt, 3. the liquidated debt, 4. the unliquidated debt. The first term includes debts to the officers and soldiers for pay, bounty, and subsistence. The second term means moneys put into the loan office of the United States, the 3rd comprehends all debts contracted by quarter-masters, commissaries and others, duly authorized to procure supplies for the army, and which have been liquidated (that is settled) by commissioners appointed under the resolution of Congress of June 12th 1780, or by the officer who made the contract. The 4th comprehends the whole mass of debts described in the preceding article, which have not yet been liquidated. These are in a course of liquidation and are passing over daily into the 3rd class. The debts of this 3rd class, that is the liquidated debts is, the object of your inquiry; no time is fixed for the payment of it, no fund as yet determined, nor any firm provision for the interest in the meantime. The consequence is, that the certificates of these debts sell greatly below par. When I left America they could be bought for from 2s.6d. to 15s. in the pound. This difference proceeding from the circumstance of some States having provided for paying the interest, on those

in their own State, which others had not. Here an opinion had arisen with some, and propositions had even been made in the legislatures for paying off the principal of these debts, with what they had cost the holder and interest on that.

This opinion is far from being general, and I am of opinion will not prevail. But it is among possible events. I have been thus particular, that you might be able to judge, not only in the present case, but also in others, should any attempt be made to speculate in your city, on these papers.

It is a business in which foreigners will be in great danger of being duped. It is a science which bids defiance to the bounds of reason. To understand it, a man must, not only be on the spot and be perfectly possessed of all the circumstances relative to every species of these papers, but he must have that dexterity which the habit of buying and selling them alone gives.

The brokers of these certificates are few in number, and any other person, venturing to deal with them, engages in a very unequal contest.

I have the honor to be, &c.

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 2, 1786.

Sir,

Several conferences and letters having passed between the Count de Vergennes and myself, on the subject of the commerce of this country with the United States, I

think them sufficiently interesting to be communicated to Congress.

They are stated in the form of a report, and are herein enclosed.

The length of this despatch, perhaps, needs apology; yet I have not been able to abridge it, without omitting circumstances, which I thought Congress would rather choose to know. Some of the objects of these conferences present but small hopes for the present, but they seem to admit a possibility of success at some future moment.

The enclosed letter from the Baron Thulemeier will inform you of the ratification, by the King of Prussia, of the treaty concluded with him. My answer accompanies it. I have no doubt but you have long ago received notice of this from Mr. Dumas, whose opportunities of conveying letters are so much more frequent than mine, especially since the French packets have been nearly discontinued. Mr. Crevecoeur is laboring to re-establish them, and under some hopes of success.

From Mr. Adams you have doubtless been also notified of the overtures from Portugal, to treat with us at London.

We are probably indebted for this new spur towards us, to the commercial arrangements which are on the *tapis* between France and England; and I think it fortunate that they have chosen to commit the negotiation to their Minister in London, rather than to their Ambassador here, whose torpid character would probably have spun it to a great length.

I communicated to the Count de Vergennes, according to your commands, the report of Captain Shaw's voyage

to China, making, at the same time, those acknowledgments which were due, for these new proofs of the friendship of the French nation towards us. I enclose you my letter and his answer, whereby you will see that he thought it a proper occasion to express the dissatisfaction of this Court, with the acts of some of the American Legislatures, on the subject of foreign commerce, and to hint that their continuance would render measures necessary here, to countervail the inequalities they supposed us to be establishing.

I also enclose my reply, and have now the honor to submit those transactions to the consideration of Congress, who are best able to calculate the result of such a commercial contest, (should it arise) and who will be so good as to instruct me as to their pleasure therein, as an answer will be expected by this Court, within such time as they think reasonable.

I have been long in conveying this correspondence to you, but I have never, since it was closed, had a confidential opportunity of transmitting it, and am now obliged to trust it with the other despatches, enclosed to a gentleman going to London, who promises to seek a safe conveyance from thence to New York. I send you, at the same time, the arrêts of August 30th, 1784, September 18th and 24th, 1785, which were spoken of in my letter.

Having observed, by the journals of Congress, that the establishment of a mint has been under consideration, I send a late declaration of the King, by which, will be seen the proportion between the value of gold and silver, as newly established here.

My former letters will have notified to you Mr. Lamb's departure for Algiers.

I have received no letter from him since he left this place. We only know, that he was at Madrid on the 10th December.

When Mr. Barclay was on the point of setting out for Morocco, Mr. Beaumarchais (who had hitherto declined settling with him) tendered him a settlement of his accounts. The immense amount of these accounts, with the hope that they would not occupy much time, and a persuasion, that no man on earth could so well settle them as Mr. Barclay, who is intimately acquainted with many of the transactions, on which they are founded, induced me to think that the interests of the United States would not suffer so much by a short delay of the journey to Morocco, from whence nothing disagreeable was to be immediately apprehended, as they would suffer by leaving such accounts as these, to be settled by persons less competent. I advised Mr. Barclay to proceed to the settlement. I wrote to Mr. Adams, asking his opinion thereon, and to Mr. Carmichael, praying him to find means of making known to the Emperor of Morocco, that a negotiator was actually commissioned, and would soon proceed to his Court. Mr. Adams concurred with me in opinion, and those accounts are now in such forwardness, that Mr. Barclay assures me, he shall be able to set out the ensuing week. I enclose two letters from Captain Stevens, one of our captives at Algiers, to Mr. Harrison, at Cadiz, which were forwarded to me by Mr. Carmichael.

I have taken opportunities of speaking with the Chevalier de la Luzerne, on the subject of his return to

America, and to press it by all those inducements, which assurances of the esteem entertained for him there, were likely to excite. He told me there was no place he would prefer to America, for the exercise of his functions; but he said, with great candor, that, as in the diplomatic line, there are different grades of employment, and that an advancement from one to another of these was usual, he wished, if possible, to avail himself of present circumstances, to obtain a promotion. I suppose, in fact, that if he can be sent to London, in the room of the Count d'Adhemar, or to Holland, in the room of the Marquis de Verac, who wishes to be transferred to London, as these are embassies, he will not in either of these cases, return to America.

In the meantime, the emoluments of his office are, as I suspect, rendered necessary to him by the expenses he incurred in America.

From your favor of November 2nd, by Mr. Houdon, which I received three days ago, it would seem that an estimate is expected from him, of the cost of the equestrian statue of General Washington. But, as this would depend altogether on the dimensions of the statue, he will be unable to make an estimate, till these dimensions be decided. The Gazettes of France and Leyden, from the 25th of October to this date, are forwarded herewith.

I had the honor of writing to you by the way of London, on the 24th of last month, and have now that of assuring you of those sentiments of esteem and respect with which,

I am, sir, &c.

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Hearing frequent complaints in this country, that little of our commerce came to it; that, while our flag covered the Thames, it was rarely to be seen in a port of France, and that this proceeded from national prejudices; and observing that this complaint was often repeated, and particularly relied on, by those who had opposed our admission into the French Islands, I thought it necessary, on every possible occasion, to shew how much the cause was mistaken, while the fact was admitted to be true. In every conversation, therefore, with the Count de Vergennes, I had endeavored to convince him, that were national prejudice alone listened to, our trade would quit England and come to France; but that the impossibility of making payments here, prevented our making purchases. On a particular occasion, in the month of August, I enumerated to him our exports, and shewed him that for some of them there was no demand here, and that others were received under such circumstances, as discouraged their being brought. When, in going through this enumeration, I came to the article of tobacco, he observed that the King received such a revenue on that, as could not be renounced. I told him we did not wish it to be renounced, or even lessened, but only that the monopoly should be put down. That this might be effected in the simplest manner, by obliging the importer to pay, on entrance, a duty equal to what the King now received, or to deposit his tobacco in the King's warehouses till it was paid, and then permitting him a free sale of it. "*Ma foi, (said the Count) c'est une bonne idée: il faut y penser,*" or "*y travailler,*"* I do not recollect which.

* My faith! it is a good idea: we must think of it, or we must act upon it.

This answer was encouraging, and another circumstance rendered it necessary to press this article, at this particular moment. Though the general farm of the revenues had still more than a twelve month to run, the treaty for the removal of it, was actually begun between the Comptroller General and the Farmers General, and it was expected to be concluded during the voyage to Fontainebleau, which was now approaching. Tobacco making an article of that farm, it seemed to be the moment, when it might be withdrawn from that contract. I had, therefore, intended to make a representation on the subject which should bring, under the view of the King's Council, the ill consequences of that monopoly, and induce them to discontinue it. The manner in which the Count de Vergennes appeared to be struck with the idea suggested in the conversation beforementioned, determined me to make this representation immediately. As soon as I returned to Paris, therefore, I wrote him the following letter, wherein I digested, and added to what I had said to him, under the head of tobacco.

From Thomas Jefferson to the Count de Vergennes.

Paris, August 15, 1785.

In the conversation which I had the honor of having with your Excellency a few days ago, on the importance of placing *at this time*, the commerce between France and America, on the best footing possible, among other objects of this commerce, that of tobacco was mentioned, as susceptible of greater encouragement, and advantage to the two nations. Always distrusting what I say in a language I speak so imperfectly, I will beg your permis-

sion to state in English the substance of what, I then had the honor to observe, adding some more particular details, for your consideration.

I find the consumption of tobacco in France, estimated at from 15 to 30 millions of pounds. The most probable estimate however places it at 24 millions. This costing eight sous the pound, delivered in a port of France, amounts to - - - - - *Livres* 9,600,000

Allow 6 sous a pound as the average cost of the different manufactures, - 7,200,000

The revenue which the King derives from this is something less than - 30,000,000

Which would make the cost of the whole 46,800,000

But it is sold to the consumers at an average of 3-8 livres the pound - 72,000,000

There remains then for the expenses of collection - - - - - 25,200,000 which is within a sixth as much as the King receives, and so gives nearly one half for collecting the other. It would be presumptive in me, a stranger, to suppose my numbers perfectly accurate, I have taken them from the best and most disinterested authorities I could find. Your Excellency will know how far they are wrong, and should you find them considerably wrong, yet I am persuaded you will find, after strictly correcting them, that the collection of this branch of the revenue still absorbs too much.

My apology for making these remarks, will I hope be found in my wishes to improve the commerce between

the two nations, and the interest which my own country will derive, from this improvement. The monopoly of the purchase of tobacco in France, discourages both the French and American merchant from bringing it here, and from taking in exchange, the manufactures and productions of France.

It is contrary to the spirit of trade and to the dispositions of merchants to carry a commodity to any market, when but one person is allowed to buy it; and where of course that person fixes its price, which the seller must receive, or re-export his commodity, at the loss of his voyage hither. Experience accordingly shews that they carry it to other markets, and that they take in exchange the merchandize of the place, where they deliver it.

I am misinformed, if France has not been furnished from a neighboring nation, with considerable quantities of tobacco, since the peace, and obliged to pay there in coin, what might have been paid here in manufactures, had the French and American merchants brought the tobacco originally here. I suppose, too, that the purchases made by the Farmers General in America, are paid for chiefly in coin, which coin is also remitted directly hence to England, and makes an important part of the balances, supposed to be in favor of that nation against this.

To satisfy government on this head, should the Farmers General, by themselves or by the company, to whom they may commit the procuring these tobaccos from America, require the exportation of a proportion of merchandize in exchange for them, it is an unpromising expedient. It will only commit the exports, as well as the imports between France and America, to a monopoly,

which, being secure against rivals in the sale of the merchandize of France, is not likely to sell at such moderate prices, as may encourage its consumption there, and enable it to bear a competition with similar articles, from other countries.

I am persuaded, this exportation of coin may be prevented, and that of commodities effected, by leaving both operations to the French and American merchants, instead of the Farmers General. They will import a sufficient quantity of Tobacco, if they are allowed a perfect freedom in the sale, and they will receive in payment, wines, oils, brandies and manufactures, instead of coin, forcing each other by their competition, to bring tobacco of the best quality, to give to the French manufacturer the full worth of his merchandize, and to sell to the American consumer, at the lowest price they can afford; thus encouraging him, to use in preference, the merchandize of this country.

It is not necessary that this exchange should be favored by any loss of revenue to the King. I do not mean to urge any thing, which shall injure either his Majesty, or his people. On the contrary, the measure I have the honor of proposing, will increase his revenue, while it places both the seller and buyer, on a better footing.

It is not for me to say, what system of collection may be best adapted, to the organization of this government; nor whether any useful hints may be taken from the practice of *that* country, which has heretofore been the principal *entrepôt* of that commodity. Their system is simple and little expensive. The importer there pays the whole duty to the King, and, as this would be inconvenient for him to do, before he has sold his tobacco, he

is permitted, on arrival, to deposit it in the King's warehouse, under the locks of the King's officer. As soon as he has sold it, he goes with the purchaser to the warehouse, the money is there divided between the King and him, to each his proportion, and the purchaser takes out the tobacco. The payment of the King's duty is thus ensured in ready money. What is the expense of its collection, I cannot say, but it certainly need not exceed six livres a hogshead of one thousand pounds. That government levies a higher duty on tobacco, than is levied here; yet so tempting and so valuable is the perfect liberty of sale, that the merchant carries it there, and finds his account in carrying it there.

If by a simplification of the collection of the King's duty on tobacco, the cost of that collection can be reduced even to five per cent. or a million and a half instead of twenty-five millions, the price to the consumer will be reduced from three to two livres the pound. For thus I calculate:—the cost, manufacture and revenue, on twenty-four million pounds of tobacco being, as stated before, five per cent. on thirty million livres, *Livres* 46,800,000

Expenses of collection	-	-	1,500,000
<hr/>			
Gives what the consumers would pay			
—being about two livres a pound,	-		48,300,000
But they pay at present three livres			
a pound,	-	-	72,000,000
<hr/>			
The difference is,	-	-	23,700,000

The price being thus reduced one-third, would be brought within the reach of a new and numerous circle of the people, who cannot at present afford themselves

this luxury. The consumption would then probably increase, and perhaps, in the same, if not a greater proportion, with the reduction of the price; that is to say, from twenty-four to thirty-six millions of pounds: and the King, continuing to receive twenty-five sous on the pound as at present, would receive forty-five instead of thirty-six millions of livres, while his subjects would pay but two livres for an object, which has heretofore cost them three. Or if, in the event the consumption were not to be increased, he would levy only forty-eight millions on his people, where seventy-two millions are now levied, and would leave twenty-four millions in their pockets, either to remain there, or to be levied in some other form, should the state of his revenues require it.

It will enable his subjects also, to dispose of between nine and ten millions worth of their produce and manufactures, instead of sending nearly that sum annually in coin, to enrich a neighboring nation.

I have heard two objections made to the suppression of this monopoly.

1st, That it might increase the importation of tobacco in contraband. 2d, That it would lessen the abilities of the Farmers General, to make occasional loans of money to the public Treasury. These objections will certainly be better answered by those who are better acquainted than I am, with the details and circumstances of the country. With respect to the first, however, I may observe, that contraband does not increase or lessen the temptations to it. It is now encouraged by being able to sell for sixty sous, what cost but fourteen, leaving a gain of forty-six sous. When the price shall be reduced from sixty to forty sous, the gain will be but twenty-six; that

is to say, a little more than one-half of what it is at present.

It does not seem a natural consequence then, that contraband should be increased, by reducing its gain nearly one half.

As to the second objection, if we suppose (for elucidation and without presuming to fix) the proportion of the farm on tobacco at one eighth of the whole mass farmed, the abilities of the Farmers General to lend, will be reduced one eighth, that is, they can hereafter lend only seven millions, where heretofore they have lent eight. It is to be considered then, whether this eight (or other proportion whatever it be,) is worth the annual sacrifice of twenty four millions, or if a much smaller sacrifice to other monied men, will not produce the same loans of money in the ordinary way.

While the advantages of an increase of revenue to the crown, a diminution of impost on the people, and a payment in merchandize instead of money, are conjectured as likely to result to France, from a suppression of the monopoly on tobacco, we have also reason to hope some advantages on our part, and this hope alone could justify my entering into the present details.

I do not expect this advantage will be by an augmentation of price. The other markets of Europe have too much influence on this article, to admit any sensible augmentation of price to take place. But the advantage, principally expected, is an increase of consumption.

This will give us a vent for so much more, and of consequence find employment for so many more cultivators of the earth: and in whatever proportion it increases this production for us, in the same proportion will it pro-

cure additional vent for the merchandize of France, and employment for the hands which produce it. I expect that by bringing our merchants here, they would procure a number of commodities in exchange, better in kind and cheaper in prices.

It is with sincerity I add, that warm feelings are indulged in my breast, by the further hope, that it would bind the two nations still closer in friendship, by binding them in interest. In truth no two countries are better calculated, for the exchanges of commerce. France wants rice, tobacco, pot ash, furs, ship timber; we want wines, brandies, oils and manufactures.

There is an affection too between the two people, which disposes them to favor one another. If they do not come together, then to make the exchange in their own ports, it shows there is some substantial obstruction in the way. We have had the benefit of too many proofs of his Majesty's friendly disposition towards the United States, and know too well his affectionate care of his own subjects, to doubt his willingness to remove these obstructions, if they can be unequivocally pointed out. It is for his wisdom to decide whether the monopoly, which is the subject of this letter, be deservedly classed with the principal of these.

It is a great comfort for me, too, that in presenting this to the mind of his Majesty, your Excellency will correct my ideas, where an insufficient knowledge of facts may have led me into errors, and that while the interest of the King and his people, are the first object of your attention, an additional one will be presented by those dispositions towards us, which have, heretofore, so often befriended our nation.

We fervently invoke heaven, to make the King's life and happiness the objects of his peculiar care, and that he may long be relieved in the burthen of government, by your wise counsels. Permit me to add the assurance of that high respect and esteem, with which

I have the honor to be, &c.

To this letter I received no other answer, but that he had transmitted it to the Comptroller General. The general farm was not renewed at Fontainebleau.

In the beginning of November, a Mr. Boylston, of Massachusetts, brought a cargo of whale oil to Havre, with letters to the Marquis de la Fayette and myself, recommending him to our assistance in the disposal of it. He wished us to endeavor to obtain for his cargo the exemption from duty, which the Marquis had obtained the preceding year for a particular company.

I observed to the Marquis, that this was doing business by piece-meal, and making many favors of one. That it would be better to take up the subject generally, to get it placed on equal ground for all our citizens, and to try what government would do in a general way, to encourage the importation of this article. He came into these ideas. As my applications could only be to the Count de Vergennes, and the delays which follow official propositions, which are to be handed from one department to another, backwards and forwards, were likely to be too long to answer Boylston's purpose, the Marquis, with that zeal and activity with which he seizes every opportunity of serving our country, applied immediately to M. de Calonne, the Comptroller General, making Boylston's case the occasion of the application, but pro-

posing a general regulation. He pressed the proposition so efficaciously, that he obtained, in a few days, from Monsieur de Calonne, an agreement to receive our oils on the footing on which they receive those of the Hanseatic towns, by which means the duties, which had been at thirty-six livres, fifteen sols, the barrel of five hundred pounds, French weight, as may be seen by a statement given me by Monsieur Langrain, were now reduced to eleven livres, five sols, being about two livres on the English hundred, or a guinea and a half the ton, as the ton is estimated in England. But this indulgence was limited to one year's continuance.

For the particulars of this, I refer to the letter of M. de Calonne to the Marquis de la Fayette, dated November 17, 1785, and to that of the Count de Vergennes to me, dated November 30, 1785.

The next levee day at Versailles, I meant to bring again under the view of the Count de Vergennes, the whole subject of our commerce with France; but the number of audiences of Ambassadors and other Ministers, which take place of course before mine, and which seldom indeed, leave me an opportunity of audience at all, prevented me that day.

I was only able to ask of the Count de Vergennes, as a particular favor, that he would permit me to wait on him some day that week. He did so, and I went to Versailles the Friday following, 9th of December. M. de Reyneval was with the Count. Our conversation began with the usual topic, that the trade of the United States had not yet learned the way to France, but continued to centre in England, though no longer obliged by law to go there. I observed that the real cause of this was to be

found, in the difference of the commercial arrangements in the two countries. That merchants would not, and could not trade, but where there was to be some gain; that the commerce between two countries could not be kept up, but by an exchange of commodities; that if an American merchant was forced to carry his produce to London, it could not be expected, that he would make a voyage from thence to France with the money, to lay it out here; and in like manner, that if he could bring his commodities, with advantage, to this country, he would not make another voyage to England, with the money, to lay it out there, but would take, in exchange, the merchandize of this country.

The Count de Vergennes agreed to this, and particularly, that where there was no exchange of merchandize, there could be no durable commerce, and that it was natural for merchants to take their returns, in the port where they sold their cargo.

I desired his permission then to take a summary view of the productions of the United States, that we might see which of them could be brought here to advantage.

1st, rice. France gets from the Mediterranean a rice, not so good indeed, but cheaper than ours.

He said that they bought of our rice, but that they got from Egypt also, rice of a very fine quality. I observed, that such was the actual state of their commerce in that article, that they take little from us. 2d, Indigo. They make a plenty in their own colonies. He observed that they did, and that they thought it better than ours. 3d, Flour, fish, and provisions of all sorts, they produce for themselves. That these articles might, therefore, be considered as not existing for commerce, between the

United States and the kingdom of France. I proceeded to those capable of becoming objects of exchange, between the two nations.

1st. Peltry and furs. Our posts being in the hands of the English, we are cut off from that article, I am not sure even, whether we are not obliged to buy of them for our own use. When these posts are given up, if ever they are, we shall be able to furnish France with skins and furs, to the amount of two millions of livres, in exchange for her merchandize. But at present these articles are to be counted as nothing.

2nd. Pot-ash. An experiment is making whether this can be brought here; we hope it may, but at present it stands for nothing. He observed that it was much wanted in France, and he thought it would succeed. 3rd. Naval stores. Trials are also making on these as subjects of commerce with France, they are heavy and the voyage long; the result therefore is extremely doubtful. At present they are as nothing, in our commerce with this country. 4th. Whale oil. I told him I had great hopes the late diminution of duty would enable us to bring this article to France, that a merchant was just arrived (Mr. Barrett) who proposed to settle at L'Orient, for the purpose of selling the cargoes of this article and choosing the returns. That he had informed me that in the first year it would be necessary to take one third in money, and the remainder only in merchandize: because the fishermen indispensably require some money. But he thought that after the first year, the merchandize of the preceding year would always produce money for the ensuing one, and that the whole amount would continue to be taken annually afterwards in merchandize. I added that

though the diminution of duty was expressed to be but for one year, yet I hoped they would find their advantage in renewing and continuing it : for that if they intended really to admit it for one year only, the fishermen would not find it worth while to rebuild their vessels, and to prepare themselves for the business.

The Count expressed satisfaction on the view of commercial exchange held up by this article. He made no answer as to the continuance of it, and I did not choose to tell him at that time, that we should claim its continuance under their treaty with the Hanseatic towns, which fixes this duty for them, and our own treaty, which gives us the rights of the most favored nation. 5th. Tobacco. I recalled to the memory of the Count de Vergennes the letter I had written to him on this article, and the object of the present conversation being, how to facilitate the exchange of commercial articles, between the two countries, I pressed that of tobacco in this point of view, observed that France at present paid us ten millions of livres for this article, that for such portions of it as were bought in London, they sent the money directly there, and for what they bought in the United States was still remitted to London in bills of exchange. Whereas, if they would permit our merchants to sell this article freely, they would bring it here and take the returns on the spot, in merchandize, not money.

The Count observed, that my proposition contained what was doubtless useful, but, that the King received on this article, at present, a revenue of twenty-eight millions, which was so considerable, as to render them fearful of tampering with it, that the collection of this revenue, by way of farm, was of very ancient date, and

that it was always hazardous to alter arrangements of long standing, and of such infinite combinations, with the fiscal system.

I answered, that the simplicity of the mode of collection proposed for this article, withdrew it from all fear of deranging other parts of their system; that I supposed they would confine the importation to some of their principal ports, probably not more than five or six, that a single collector in each of these, was the only new officer requisite; that he could get rich himself on six livres a hogshead, and would receive the whole revenue and pay it into the treasury, at short hand. M. de Rayneval entered particularly into this part of the conversation, and explained to the Count, more in detail, the advantages and the simplicity of it, and concluded, by observing to me, that it sometimes happened that useful propositions, though not practicable at one time, might become so at another. I told him that that consideration had induced me to press the matter when I did, because I had understood the renewal of the farm was then on the carpet, and that it was the precise moment, when I supposed that this portion might be detached, from the mass of farms.

I asked the Count de Vergennes, whether, if the renewal of the farm was pressing, this article might not be separated, merely in suspense, until government should have time to satisfy themselves on the expediency of renewing it. He said no promises could be made.

In the course of this conversation, he had mentioned the liberty we enjoyed, of carrying our fish to the French islands.

I repeated to him, what I had hinted in my letter of

November 20th, 1785, that I considered as a prohibition, the laying such duties on our fish, and giving such premiums on theirs, as made a difference between their and our fishermen, of fifteen livres the quintal, in an article which sold but for fifteen livres.

He said, it would not have that effect, for two reasons.

1st. That their fishermen could not furnish supplies for their islands, and of course the inhabitants must, of necessity buy our fish. 2nd. That from the constancy of our fisheries, and the short season during which theirs continued; also the economy and management of ours, compared with the expense of theirs, we had always been able to sell our fish in the islands, at twenty-five livres the quintal, while they were obliged to ask thirty-six livres. (I suppose he meant the livre of the French islands.) That thus the duty and premium had been a necessary operation on their side, to place the sale of their fish on a level with ours, and that without this, theirs could not bear the competition.

I have here brought together the substance of what was said on the preceding subjects, not pretending to give it verbatim, which my memory does not enable me to do. I have probably omitted many things which were spoken, but have mentioned nothing which was not. It was interrupted at times with collateral matters. One of these was important. The Count de Vergennes complained, and with a good deal of stress, that they did not find a sufficient dependence on arrangements taken with us. This was the third time too, he had done it; first in a conversation at Fontainebleau, when he first complained to me of the navigation acts of Massachusetts and New Hampshire; secondly, in his letter of October 30, 1785,

on the same subject, and now, in the present conversation, wherein he added, as another instance, the case of the Chevalier Mezieres, heir of General Oglethorpe, who, notwithstanding that the 11th article of the treaty provides, that the subjects or citizens of either party shall succeed *ab intestato* to the lands of their ancestors, within the dominions of the other, had been informed by Mr. Adams and by me also, that this right of succession to the General's estate in Georgia, was doubtful. He observed too, that the administration of justice, with us, was tardy, insomuch that their merchants, when they had money due to them within our States, considered it as desperate; and that our commercial regulations, in general, were disgusting to them. These ideas were new, serious and delicate.

I decided, therefore, not to enter into them in that moment, and the rather as we were speaking in French, in which language I did not choose to hazard myself.

I withdrew from the objections of the tardiness of justice with us, and the disagreeableness of our commercial regulations, by a general observation, that I was not sensible they were well founded. With respect to the case of the Chevalier de Mezieres, I was obliged to enter into some explanations. They related chiefly to the legal operation of our declaration of Independence, to the undecided question, whether our citizens and British subjects were thereby made aliens to one another, to the general laws as to conveyances of land to aliens, and a doubt whether an act of the Assembly of Georgia might not have been passed to confiscate General Oglethorpe's property, which would, of course, prevent its devolution on any heir.

M. Reyneval observed, that in this case it became a mere question of fact, whether a confiscation of these lands had taken place, before the death of General Oglethorpe, which fact might be easily known by inquiries in Georgia, where the possessions lay.

I thought it very material, that the opinion of this Court should be set to rights, on these points.

On my return therefore, I wrote the following observations on them, which the next time I went to Versailles, (not having an opportunity of speaking to the Count de Vergennes,) I put into the hands of M. Reyneval praying him to read them, and to ask the favor of the Count to do the same.

EXPLANATIONS on some of the subjects of the conversation, which I had the honor of having with his Excellency the Count de Vergennes, when I was last at Versailles.

The principal design of that conversation was to discuss those articles of commerce, which the United States could spare, which are wanted in France, and if received there on a convenient footing, would be exchanged for the productions of France. But in the course of conversation, some circumstances were incidentally mentioned by the Count de Vergennes, which induced me to suppose he had received impressions neither favorable to us, nor derived from perfect information.

The case of the Chevalier de Mezieres was supposed to furnish an instance of our disregard to treaties, and the event in that case was inferred from opinions, supposed to have been given by Mr. Adams and myself.

This is ascribing a weight to our opinions to which they are not entitled. They will have no influence on the de-

cision of the case. The judges in our courts would not suffer them to be read. Their guide is the law of the land, of which law its treaties make a part.

Indeed I know not what opinion Mr. Adams may have given on this case, and if any may be imputed to him, derogatory of our regard to the treaty with France, I think his opinion has been misunderstood. With respect to myself the doubts which I expressed to the Chevalier de Mezieres as to the success of his claims, were not founded on any question, whether the treaty between France and the United States would be observed.

On the contrary I venture to pronounce, that it will be religiously observed, if his case comes under it. But I doubted whether it would come under the treaty. The case as I understood it is : General Ogelthorpe, a British subject, had lands in Georgia, he died since the peace, having devised those lands to his wife. The heirs are the Chevalier de Mezieres, son of his eldest sister, and the Marquis de Bellegarde, son of his younger sister. This case gives rise to legal questions, some of which have not yet been decided, either in England or in America, the laws of which countries are nearly the same.

1st. It is a question under the laws of those countries, whether persons born *before their separation*, and once completely invested in both with the character of natural subjects, can ever become aliens in either? There are respectable opinions on both sides. If the negative be right, then General Ogelthorpe, having never become an alien, and having devised his lands to his wife, who, on this supposition also, was not an alien, the devise has transferred the lands to her, and there is nothing left for the treaty to operate on.

2nd. If the affirmative opinion be right, and the inhabitants of Great Britain and America, *born before the revolution*, are become aliens, to each other, it follows; by the laws of both, that the lands which either possessed within the jurisdiction of the other, became the property of the State in which they are. But a question arises, whether the transfer of the property took place, on the declaration of independence, or not till an office or an act of assembly had declared the transfer. If the property passed to the State, on the declaration of independence, then it did not remain in General Ogelthorpe, and of course, at the time of his death, he having nothing, there was nothing to pass to his heirs, and so nothing for the treaty to operate on.

3rd. If the property does not pass till declared by an office, found by jury, or an act passed by the assembly, the question then is, whether an office had been found, or an act of assembly been passed for that purpose before the peace? If there was, the lands had passed to the State during his life, and nothing being left in him, there is nothing for his heirs to claim under the treaty.

4th. If the property had not been transferred to the State before the peace, either by the Declaration of Independence or an office, or an act of assembly, then it remained in General Ogelthorpe, at the epoch of the peace; and it will be insisted, no doubt, that by the sixth article of the treaty of peace between the United States and Great Britain, which forbids future confiscations, General Ogelthorpe acquired a capacity of holding and of conveying his lands. He has conveyed them to his wife. But she being an alien, it will be decided by the laws of the land, whether she took them for her ow-

use, or for the use of the State. For it is a general principle of our law, that conveyances to aliens pass the lands to the State. And it may be urged, that, though by the treaty of peace, General Ogelthorpe could convey, yet that treaty did not mean to give him a greater privilege of conveyance, than natives hold, to wit: a privilege of transferring the property to persons incapable by law of taking it. However, this would be a question between the State of Georgia and the widow of General Ogelthorpe, in the decision of which, the Chevalier de Mezieres is not interested; because, whether she takes the land by the will, for her own use, or for that of the State, it is equally prevented from descending to him. There is neither a conveyance to him, nor a succession *ab intestato* devolving on him, which are the cases provided for by our treaty with France. To sum up this matter, in a few words, if the lands had passed to the State before the epoch of peace, the heirs of General Ogelthorpe cannot say they have descended on them; and, if they remained in the General at that epoch, the treaty saving them to him, he could convey them away from his heirs, and he has conveyed them to his widow, either for her own use, or for that of the State.

Seeing no event in which, according to the facts stated to me, the treaty could be applied to this case, or could give any right whatever to the heirs of General Oglethorpe, I advised the Chevalier de Mezieres not to urge his pretensions on the foot of right, nor under the treaty, but to petition the Assembly of Georgia for a grant of these lands.

If, in the question between the State and the widow of General Oglethorpe, it should be decided that they were

the property of the State, I counted on their generosity and the friendly dispositions in America, towards the subjects of France, that they would be favorable to the Chevalier de Mezieres. There is nothing in the preceding observations which would not have applied against the heir of General Oglethorpe, had he been a native citizen of Georgia, as it now applies against him being a subject of France. The treaty has placed the subjects of France on a footing with natives, as to conveyances and descent of property.

There was no occasion for the Assemblies to pass laws on this subject, the treaty being a law, as I conceive, superior to those of particular Assemblies, and repealing them where they stand in the way of its operation.

The supposition that the treaty was disregarded on our part, in the instance of the acts of Assembly of Massachusetts and New Hampshire, which made a distinction between natives and foreigners as to the duties to be paid on commerce, was taken notice of in the letter of November 20th, which I had the honor of addressing to the Count de Vergennes. And while I express my hopes that, on a revision of those subjects, nothing will be found in them derogatory from either the letter or spirit of our treaty, I will add assurances that the United States will not be behind hand in going beyond both, whenever occasions shall offer of manifesting their sincere attachment to this country.

I will pass on to the observation, that our commercial regulations are difficult and repugnant to the French merchants. To detail these regulations minutely as they exist in every State, would be beyond my information. A general view of them, however, will suffice, because the

States differ little in their several regulations. On the arrival of a ship in America, her cargo must be reported at the proper office. The duties on it are to be paid. These are commonly from two and a half to five per cent. on its value. On many articles, the value of which is tolerably uniform, the precise sum is fixed by law. A tariff of these is presented to the importer, and he can see what he has to pay, as well as the officer. For other articles the duty is such a per cent. on their value. That value is either shown by the invoice, or by the oath of the importer. This operation being once gone over, and it is a very short one, the goods are considered as entered, and may then pass through the whole thirteen States, without their being ever more subject to a question, unless they be reshipped.

Exportation is still more simple, because as we prohibit the exportation of nothing, and very rarely lay a duty on any article of export, the state is little interested in examining outward bound vessels. The Captain asks a clearance for his own purposes. As to the operations of internal commerce, such as matters of exchange, of buying, selling, bartering, &c. our laws are the same as the English. If they have been altered in any instance, it has been to render them more simple.

Lastly, as to the tardiness of the administration of justice with us, it would be equally tedious and impracticable for me to give a precise account of it in every State. But I think it probable that it is much on the same footing through all the States, and that an account of it, in any one of them, may found a general presumption of it in the others. Being best acquainted with its administration in Virginia, I shall confine myself to that. Before the revo-

lution, a judgment could not be obtained under eight years in the Supreme Court, where the suit was in the department of the common law, which department embraces about nine-tenths of the subjects of legal contestation. In that of the Chancery from twelve to twenty years were requisite. This did not proceed from any vice in the laws, but from the indolence of the Judges appointed by the King; and these Judges, holding their offices during his will only, he could have reformed the evil at any time. This reformation was among the first works of the Legislature after their independence.

A judgment can now be obtained in the Supreme Court, in one year at the common law, and in about three years in the chancery.

But more particularly to protect the commerce of France, which at that moment, was considerable with us, a law was passed giving all suits wherein a foreigner was a party, a privilege to be tried immediately on the return of their process, without waiting till those of natives, which stand before them shall have been decided on. Out of this act, however, the British stand excluded by a subsequent one. This, with all its causes, must be explained.

The British army, after ravaging the State of Virginia, had sent off a very great number of slaves to New York. By the 7th article of the treaty of peace, they stipulated not to carry away any of these. Notwithstanding this, it was known, when they were evacuating New York, that they were carrying away the slaves.

General Washington made an official demand of Sir Guy Carleton, that he should cease to send them away. He answered that these people had come to him, under

promise of the King's protection, and that that promise should be fulfilled in preference to the stipulation in the treaty.

The State of Virginia, to which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared at the same time, they would repeal that law, if Congress were of opinion they ought to do it. But desirous their citizens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits and to receive their debts in seven equal and annual payments, relying that the demand for the slaves would either be admitted or denied in time, to lay their hands on some of the latter payments for reimbursement. The immensity of this debt was another reason for forbidding such a mass of property to be offered for sale under execution at once, as from the small quantity of circulating money, it must have sold for little or nothing, whereby the creditor would have failed to receive his money, and the debtor would have lost his whole estate, without being discharged of his debt.

This is the history of the delay of justice in that country in the case of British creditors.

As to all others its administration is as speedy as justice itself will admit.

I presume it is equally so in all the other States, and can add that it is administered in them all with a purity and integrity, of which few countries afford an example.

I cannot take leave altogether of the subjects of this conversation, without recalling the attention to what had been its principal drift. This was, to endeavor to bring about a direct exchange between France and the United

States (without the intervention of a third nation) of those productions, with which each could furnish the other. We can furnish to France (because we have heretofore furnished to England) of whale oil and spermaceti, of furs and peltry, of ships and naval stores, and of pot ash, to the amount of fifteen millions of livres, and the quantities will admit of increase. Of our tobacco, France consumes the value of ten millions more.

Twenty-five millions of livres then mark the extent of that commerce of exchange, which is at present practicable between us. We want, in return, productions and manufactures, not money. If the duties on our produce are light, and the sale free, we shall undoubtedly bring it here, and lay out the proceeds on the spot, in the productions and manufactures which we want. The merchants of France, will, on their part, become active in the same business. We shall no more think, when we shall have sold our produce here, of making an useless voyage to another country, to lay out the money, than we think at present, when we have sold it elsewhere, of coming here to lay out the money. The conclusion is, that there are commodities which form a basis of exchange to the extent of a million of guineas annually; it is for the wisdom of those in power, to contrive that the exchange shall be made.

Having put this paper into the hands of Monsieur Reyneval, we entered into conversation again on the subject of the farms, which were now understood to be approaching to a conclusion. He told me, that he himself was decidedly of opinion, that the interest of the State required the farm of tobacco to be

discontinued; that he had, accordingly, given every aid to my proposition, which laid within his sphere. That Count de Vergennes was very clearly of the same opinion, and had supported it strongly with reasons of his own, when he transmitted it to the Comptroller General; but that the Comptroller, in the discussions of this subject, which had taken place, besides the objections which the Count de Vergennes had repeated to me, and which are beforementioned, had added, that the contract with the Farmers General, was now so far advanced, that the article of tobacco could not be withdrawn from it, without unravelling the whole transaction.

Having understood, that in this contract, there was always reserved to the crown a right to discontinue it at any moment, making just reimbursements to the Farmers, I asked M. Reyneval, if the contract should be concluded in its present form, whether it might still be practicable to have it discontinued, as to the article of tobacco, at some future moment. He said it might be possible.

Upon the whole, the true obstacle to this proposition has penetrated in various ways through the veil which covers it.

The influence of the Farmers General has heretofore been found sufficient to shake a Minister in his office. Monsieur de Calonne's continuance or dismissal has been thought for some time to be on a poise. Were he to shift this great weight, therefore, out of his own scale into that of his adversaries, it would decide their preponderance. The joint interests of France and America, would be an insufficient counterpoise in his favor.

It will be observed, that these efforts to improve the

commerce of the United States, have been confined to that branch only, which respects France itself, and that nothing passed on the subject of our commerce with the West Indies, except an incidental conversation as to our fish.

The reason of this was no want of a due sense of its importance. Of that I am thoroughly sensible. But efforts in favor of this branch would, at present, be desperate. To nations with which we have not yet treated, and who have possessions in America, we may offer a free vent of their manufactures in the United States, for a full or a modified admittance into those possessions.

But to France we were obliged to give that freedom for a different compensation, to wit: for her aid to affect our independence.

It is difficult, therefore, to say what we have now to offer her for an admission into her West Indies. Doubtless it has its price. But the question is, what this would be, and whether worth our while to give it. Were we to propose to give to each other's citizens all the right of natives, they would of course count what they should gain by this enlargement of right, and examine whether it would be worth to them as much as their monopoly of their West Indian commerce. If not, that commercial freedom which we wish to preserve, and which indeed is so valuable, leaves us little else to offer.

An expression in my letter to the Count de Vergennes, of November 20th, wherein I hinted that both nations might, perhaps, come into the opinion that the condition of *natives* might be a better ground of intercourse for their citizens than that of the *most favored nation*, was intended to furnish an opportunity to the Minister of par-

leying on that subject, if he was so disposed, and to myself, of seeing whereabouts they would begin, that I might communicate it to Congress, and leave them to judge of the expediency of pursuing the subject.

But no overtures have followed ; for I have no right to consider as coming from the Minister, certain questions, which were very soon after proposed to me by an individual.

It sufficiently accounts for these questions that that individual had written a memorial on the subject for the consideration of the Minister, and might wish to know what we would be willing to do. The idea that I should answer such questions to him, is equally unaccountable, we suppose them originating with himself, or coming from the Minister.

In fact, I must suppose them to be his own ; and I transmit them only that Congress may see, what one Frenchman at least thinks on the subject.

If we can obtain from Great Britain reasonable conditions of commerce, (which in my idea must forever include an admission into her islands,) the freest ground between the two nations would seem to be the best. But if we can obtain no equal terms from her, perhaps Congress might think it prudent, as Holland has done, to connect us unequivocally with France.

Holland has purchased the protection of France. The price she pays is *aid in time of war*. It is interesting for us to purchase a free commerce with the French islands. But whether it is best to pay for it by *aids in war*, or by *privileges in commerce*, or *not to purchase it all*, is the question.

FROM BARON DE THULEMEIER TO THOMAS JEFFERSON.

Translation.

The Hague, October 11, 1785.

Sir,

I have the pleasure to inform you of the receipt of the ratification of the treaty of commerce and amity, which I have had the satisfaction of negotiating with yourself and colleagues. When that of the United States of America comes to hand, I shall hasten to concert with you, the most proper means for the customary exchange, in transactions of this kind.

If Mr. Short is still with you, I must request you, sir, to remember my respects to him, and assure him that I consider myself under great obligations to you, for the opportunities you afforded me of becoming acquainted with him. Mr. Short appeared to me as no less distinguished by his knowledge and information, than by his abilities in the management of business.

I have the honor to be, &c.

DE THULEMEIER.

P. S. May I ask the favor of you to forward to Baltimore the enclosed letter which has been sent to me by a merchant of Silesia.



FROM THOMAS JEFFERSON TO THE BARON DE THULEMEIER.

Paris, October 16, 1785.

Sir,

I am to acknowledge the receipt of the letter of the 11th instant, with which you have honored me, and where-

in you are pleased to inform me of the ratification by his Prussian Majesty, of the treaty of amity and commerce, between him and the United States of America. On our part the earliest opportunity was embraced of forwarding it to Congress. It goes by a vessel sailing about this time to Havre. I shall with great pleasure communicate to you its ratification by Congress, in the first moment in which it shall become known to me, and concur in the measures necessary for exchanging the ratifications.

I shall take the greatest care to forward the letter you are pleased to enclose for Baltimore according to its address.

I have the honor to be, &c.

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

Paris, October 11, 1785.

Sir,

I have the honor of enclosing to your Excellency a report of a voyage of an American ship, the first which has gone to China.

The circumstance which induces Congress to direct this communication, is the very friendly conduct of the Consul of his Majesty at Macao, and of the commanders and other officers of the French vessels in those seas. It has been with singular satisfaction that Congress have seen these added to the many other proofs of the cordiality of this nation towards our citizens. It is the more pleasing, when it appears in the officers of Government, because it is then viewed as an emanation of the spirit of the Government.

It would be an additional gratification to Congress, in this particular instance, should any occasion arise, of notifying those officers, that their conduct has been justly represented to your Excellency, on the part of the United States, and has met your approbation. Nothing will be wanting, on our part, to foster corresponding dispositions in our citizens, and we hope that proofs of their actual existence have appeared, and will appear, whenever occasion shall offer. A sincere affection between the two people, is the broadest basis on which their peace can be built.

It will always be among the most pleasing functions of my office, when I am made the channel of communicating the friendly sentiments of the two Governments.

It is additionally so, as it gives me an opportunity of assuring your Excellency of the high respect and esteem with which I have the honor to be, &c.

TH: JEFFERSON.



FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Fontainebleau, October 30, 1785.

Sir,

I have received the letter you did me the honor to write, of the 24th of this month, together with that addressed to me, on the part of Mr. Samuel Shaw.

I have made it my business, to inform the King of the proceedings of his officers with regard to those, who commanded the American ship which has visited China.

His Majesty has learned with real satisfaction, that the

former have conformed their conduct to the instructions that had been given them, and he instructs you to assure the Congress, that on all occasions that may offer, he will be ready to give proofs of his esteem and friendship for the United States, and the sincere interest he takes in their prosperity.

At the same time, I have it in command from his Majesty, to observe to you, how little regard has been paid, in America, to the rule of reciprocity, and how much they have shown themselves disposed to depart from those principles, which formed a basis for the good understanding which subsists between France and the United States. We are in effect informed, sir, that in several of the States they have passed navigation laws, and commercial regulations, injurious to the trade of France, and even contrary to the intent of the treaty of February 6th, 1778.

The Congress are too enlightened, not to know how much we are effected by such proceedings, as well as too wise and sagacious, not to be convinced of the necessity of maintaining things on the same footing of reciprocal advantage, on which they have been since the alliance between France and the United States.

Without this precaution, it is impossible that the mutual commerce of the two nations can prosper, or even continue; and the King will be under the necessity, contrary to his wishes, to fall upon such means as will tend to put matters upon a perfect equality.

I have the honor to be, &c.

DE VERGENNES.

FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

Paris, November 20, 1785.

Sir,

I found here, on my return from Fontainebleau, the letter of October 30th, which your Excellency did me the honor there of informing me, had been addressed to me at this place; and I shall avail myself of the first occasion of transmitting it to Congress, who will receive, with great pleasure, these new assurances of the friendly sentiments, which his Majesty is pleased to continue towards the United States.

I am equally persuaded they will pay the most serious attention to that part of your Excellency's letter, which mentions the information you have received, of certain acts or regulations of navigation and commerce, passed in some of the United States, which are injurious to the commerce of France. In the meantime, I wish to remove the unfavorable impressions which those acts seem to have made, as if they were a departure from the reciprocity of conduct stipulated by the treaty of February 6th, 1778. The effect of that treaty is to place each party, with the other, always on the footing of the most favored nation. But those who framed the acts, probably, did not consider the treaty as restraining either from discriminating between foreigners and natives. Yet this is the sole effect of these acts. The same opinion as to the meaning of the treaty, seems to have been entertained by this Government, both before and since the date of these acts. For the arrêt of the King's Council, of August 30th, 1784, furnishes an example of such a discrimination between foreigners and natives, importing

salted fish into his Majesty's dominions in the West Indies, by laying a duty on that imported by foreigners, and giving out the same bounty to native importers. This opinion shews itself more remarkably in the late arrêts of the 18th and 25th of September, which, increasing to excess the duty on foreign importations of fish, into the West Indies, giving the double in bounty on those of the natives, and thereby rendering it impossible for the former to sell in competition with the latter, have, in effect, prohibited the importation of that article, by the citizens of the United States.

Both nations, perhaps, may come into the opinion that their friendship and their interest may be better cemented by approaching the condition of their citizens, reciprocally, to that of *natives*, as a better ground of intercourse than that of *the most favored nation*.

I shall rest with hopes of being authorized, in due time, to inform your Excellency that nothing will be wanting, on our part, to evince a disposition to concur in revising whatever regulations may, on either side, bear hard on the commerce of the other nation.

In the meantime, I have the honor to assure you of the profound respect and esteem, with which I have the honor to be, &c.

TH: JEFFERSON.



FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Versailles, November 30, 1785.

You are hereby informed, sir, that a merchant of Boston, having imported a cargo of whale oil into France,

has not been able to dispose of it, on account of the duties imposed upon this species of commodity ; duties which are paid by all nations, excepting the inhabitants of the Hanse towns.

The Comptroller General, taking into consideration the loss this merchant must sustain, if the payment of the aforementioned duty is rigidly exacted, made application to his Majesty in his favor, who thereupon gave orders that no further duty should be paid by the Boston merchant, than is required from and paid by the Hanse towns ; that is to say seven livres, ten sous, instead of twelve livres per barrel, and that henceforward till the 1st of January, 1787, no more duty than the first mentioned shall be paid, by the inhabitants of the United States, upon fish oils of their own production, provided that those oils are imported into France, in French or American bottoms, accompanied with a certificate from the magistrates of the places where shipped, attesting their production and authenticated by our Consuls.

I hasten, sir, to inform you of this new regulation, in which I make no doubt you will find a new proof of the King's affection for the United States, and of the constant concern he takes in their prosperity.

I have the honor to be, &c.

DE VERGENNES.

FROM THOMAS JEFFERSON TO THE COUNT DE VERGENNES.

December 2, 1785.

Sir,

I have had the honor of receiving your Excellency's letter, of November the 30th, in which you are pleased

to inform me of the late abatement of the duties on all fish oils, made from fish, taken by citizens of the United States, and brought into this Kingdom, in French or in American bottoms ; and I am now to return thanks, for this relief given to so important a branch of our commerce.

I shall take the first occasion of communicating the same to Congress, who will receive with particular satisfaction, this new proof of the King's friendship to the United States, and of the interest which he is pleased to take in their prosperity.

I have the honor to be, &c.

TH : JEFFERSON.



Extract of a letter from M. de Calonne to the Marquis de la Fayette.

Translation.

Paris, November 17, 1785.

It would afford me the greatest pleasure, sir, to exert my endeavors to facilitate the means of commerce between the people of France and those of the United States of America. In compliance with your wishes, I have proposed to the King, to make an abatement till January 1st, 1787, of the duties payable upon the fish oils, imported either in French or American vessels, the produce of the American fisheries ; and till that time, that the same duty shall only be paid, as is paid by the inhabitants of the Hanse towns, in pursuance of the treaty of September 28th, 1716.

His Majesty, having freely granted this favor to the subjects of the United States, I have issued orders to the

Farmers General, to receive no more than the duty of seven livres, ten sous, per cask, of the weight of five hundred and twenty pound, and ———, instead of the duty of twelve livres, per barrel, imposed upon oils, the produce of foreign fisheries.



Translation.

Whale oils from whatever place they come into the kingdom, are liable to the following duties, viz :

	<i>Livres.</i>
1. Per barrel of 500lbs. gross, - -	12
2. 6 deniers per pound, edict of March 21, 1786, - - - - -	12 10
3. The 10 sols per pound out of these two duties, - - - - -	12 5
	36 15

The barrel of 500lbs. gross, nett only 420lbs, which advances the duties per quintal to the sum of - - - - - 9 3 9

Not including the local duties of tolls, &c which may be estimated at about, - - 15

Total of the duties per quintal, payable in France 9 18 9

There is another duty, called special grants; not yet fixed, but which ought to be ascertained. Whale oils brought from abroad by French vessels, and on account of the subjects of the King of France, pay only 7*liv.* 10*s.* per barrel of 500lbs. instead of 12, the first mentioned duty, only.

The other duties are the same.

Translation.

The determination of the Minister of Finance, of November 17, 1785, directs to put the inhabitants of the United States upon the same footing with the inhabitants of the Hanse towns, in regard to fish oils, the produce of their own fisheries, exported to France, that is to say, instead of paying twelve livres and 10 sols per livre upon each barrel of oil weighing 520lbs, that they shall pay only 7 livres 10 sols per barrel, of the weight of 520lbs, and ten sous per livre. Upon condition, however, that the cargoes be accompanied with a certificate signed by the magistrate of the place, from whence the oils are exported, which shall attest them to be the product of the fishery of that country. It is further conditioned, that the fish oils beforementioned shall be exported, either in American or French vessels.

Should they be imported into France in the vessels of any foreign nation, the said exemption of duty not to take place.

This exemption to continue in force to the 1st day of January 1787, and no longer.



Translation.

An elucidation of the following queries is desired :

1st. Is a free trade to the French colonies equally necessary to all the United States? Should there be any difference, in this respect, to ascertain the degree and the cause thereof?

2nd. Would the United States allow us reciprocal

commercial advantages, for the liberty we should grant them of a free access to all our colonial marts?

3rd. Is it in the power of the United States to grant favors to one nation, which they would refuse to any other?

4th. If France should admit into her ports, without limitation, productions of American growth, upon condition of an increase of duty, the repayment of which should be secured to the owners in the compensation that should be made to them, in the proceeds of their sales, either of the manufactures or articles the growth of France, —would the Americans consent to a trade with us upon such conditions, and consider themselves either injured or favored?

5th. What are the advantages which Congress could promise us in return for those she solicits from us, either in respect to the European or colonial commerce? If France should comply with the requisitions of the United States, would they engage to indemnify us for the losses our navigation must suffer in consequence thereof, by the importation of the least valuable commodities into the colonies, or would they grant us liberty to fish upon the northern coasts of the United States, and secure to us a compensation for the losses abovementiond, by giving a preference to our woollens, our linens, our salt, and our wines?

6th. Is the present Congress invested with sufficient power to establish a treaty upon the basis of reciprocal advantage, like two mutually contracting nations, the articles of whose respective treaties would be exactly correspondent to each other, and whose political, as well as commercial, regulations, should have only one and the same existence?

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 27, 1786.

Sir,

I had the honor of addressing you by the way of London, on the 2nd instant, since that, yours of December 7th, has come to hand. I have now the pleasure to inform you, that Mr. Barclay, having settled, as far as depended on him, the accounts of Monsieur de Beaumarchais, left Paris on the 15th instant, to proceed to Morocco. Business obliged him to go by the way of L'Orient and Bordeaux, but he told me he should not be detained more than a day at either place. We may probably allow him to the last of February to be at Morocco.

The Imperial Ambassador, some days ago, observed to me, that, about eighteen months ago, Doctor Franklin had written to him a letter, proposing a treaty of commerce between the Emperor and the United States, that he had communicated it to the Emperor, and had answered to Doctor Franklin, that they were ready to enter into arrangements for that purpose; but that he had received no reply from him.

I told him, I had been informed by Doctor Franklin, of the letter making the proposition, but that this was the first I had ever heard of an answer, expressing their readiness to enter into negotiation. That, on the contrary, we had supposed no definitive answer had been given, and that, of course, the next move was on their side.

He expressed his astonishment at this, and seemed so conscious of having given such an answer, that he said,

he would have it sought for, and send it to me for my inspection. However, he observed, that the delay, having proceeded from the expectation of each party, that the other was to make the next advance, and this matter being now understood, the two parties might now proceed to enter into the necessary arrangements.

I told him, that Congress had been desirous of entering into connexions of amity and commerce with his Imperial Majesty; that, for this purpose they had commissioned Mr. Adams, Dr. Franklin and myself, or any two of us, to treat; that reasons of prudence had obliged them to affix some term to our commissions, and that two years was the term assigned, that the delay, therefore, which had happened, was the more unlucky, as these two years would expire in the ensuing spring. •

He said, he supposed Congress could have no objections to renew our powers, or perhaps to appoint some person to treat at Brussels.

I told him, I was unable to answer that, and we remitted further conversation on the subject, till he should send me his letter written to Doctor Franklin. A few days afterwards his *Secrétaire d'Ambassade* called on me with it. It was the letter of September 28th, 1784, (transmitted in due time to Congress) wherein he had informed Dr. Franklin, that the Emperor was disposed to enter into commercial arrangements with us, and that he would give orders to the government of the Netherlands to take the necessary measures. I observed to Monsieur de Blumendorff, (the Secretary) that this letter shewed we were right in our expectations, of their taking the next step.

He seemed sensible of it, said that the quarrel with

Holland had engrossed the attention of Government, and that these orders relating to the Netherlands only, it had been expected that others would be given, which should include Hungary, Bohemia, and the Austrian dominions in general, and that they still expected such orders.

I told him that while they should be attending them, I would write to Mr. Adams, in London, my colleague in this business, in concert with whom I must move in it.

I think they are desirous of treating, and from questions asked me by Monsieur de Blumendorff, I suspect they have been led to that decision, either by the resolutions of Congress of April, 1784, asking powers from the States to impose restraints on the commerce of States not connected with us by treaty, or else by an act of the Pennsylvania Assembly, for giving such powers to Congress, which has appeared in the European papers.

In the meantime I own myself at a loss what to do. Our instructions are clearly to treat. But these made part of a system, wise and advantageous, if executed in all its parts; but which has hitherto failed in its most material branch, that of connexion with the powers having American territory.

Should these continue to stand aloof, it may be necessary for the United States to enter into commercial regulations of a defensive nature.

These may be embarrassed by treaties, with the powers having no American territory, and who are, most of them, so little commercial as, perhaps, not to offer advantages which may countervail these embarrassments. In case of a war, indeed, these treaties will become of value, and even during peace; the respectability of the Emperor, who stands at the head of one of the two parties, which

seem at present to divide Europe, gives a lustre to those connected with him; a circumstance not to be absolutely neglected by us, under the actual situation of things.

I append a letter from Mr. Adams on this subject; not trusting the posts, however, and obliged to wait private conveyances, our intercommunication is slow, and, in the meanwhile, our time shortening fast.

I have the honor to enclose you a letter from the Count de Vergennes, in favor of Mr. Dumas.

With the services of this gentlemen to the United States, yourself and Doctor Franklin are better acquainted than I am. Those he has been able to render towards effecting the late alliance between France and the United Netherlands, are the probable ground of the present application.

The Minister for Geneva has desired me, to have inquiries made after Mr. Gallatin, named in the within paper. I will pray you to have the necessary advertisements inserted in the papers, and to be so good as to favor me with the result. I enclose the gazettes of France and Leyden to this date, and have the honor to be, with the most perfect respect and esteem, &c.

TH: JEFFERSON.

NOTE on the original letter of Mr. Jefferson:

Agreeably to Mr. Jefferson's request, Mr. Jay had the necessary advertisements relative to Mr. Gallatin, inserted in all the papers on the continent.

FROM THE COUNT DE VERGENNES TO THOMAS JEFFERSON.

Translation.

Versailles, January 18, 1786.

M. the Marquis de Verac, the King's ambassador at the Hague, requests me, sir, to interest myself in favor of Mr. Dumas, who resides in Holland, in quality of Chargé d'Affaires of Congress.

That Ambassador at the same time makes the highest eulogiums on the zeal and talents of Mr. Dumas, as well as on the important services, which he has rendered to the American cause. Congress has led him to hope for treatment more advantageous, and more preportionate to his merit, so soon as America should enjoy some tranquillity.

Mr. Dumas is known advantageously to General Washington and Doctor Franklin.

Testimonies so honorable cannot but complete his eulogium; and the very interesting manner in which the Marquis de Verac expresses himself on his behalf, determines me to join my recommendations to his, in favor of this Chargé d'Affaires.

I request the favor of you, sir, to convey them to Congress.

We think that the way to recompense properly the services of Mr. Dumas, will be to give him the title of Resident, with an allowance of four thousand dollars a year, with which we have reason to think he would be satisfied.

The consideration which he enjoys in Holland essentially enables him to be more and more useful to America, and the confidence with which his principles of wis-

dom and probity inspire me, does not permit me to doubt, but that he will think it his duty to justify by the activity of his zeal, the mark of good will he may receive from Congress.

I should see, sir, with a good deal of interest, the success of this affair.

DE VERGENNES.



Inquiry relative to a Mr. Gallatin, of Geneva.

Mr. Abraham Albert Alphonso Gallatin left Geneva in April, 1780, for America, and arrived soon after. Whilst engaged in several pursuits, previous to accomplishing his design of settling himself, he became acquainted with a Mr. Savany de Valcoulan, who had purchased several thousand acres of uncultivated land, joining the river Ohio, and who made him a partner in this purchase, on condition that Mr. Gallatin should take upon himself the expense of having these lands surveyed. It is not known, whether the design of clearing this land was viewed with an evil eye by the Indians of that district, but, in July, 1785, it was announced in the *Fredericksburg Gazette*, in an article, under the head of "Richmond" in Virginia, that eleven persons had been surprised by a small party of Indians, between the great and little Kenhawa, which empty into the Ohio; that this party of Indians was commanded by a white man, of the name of Girty; that five of the seven had been killed and scalped, and that among the five were Mr. Gallatin, and a Mr. Duval, Senator from that district.

Mr. Gallatin was described as a young Frenchman, having lately left Richmond, to go into that quarter, which was true of Mr. Gallatin, the Genevan.

This account, taken from that Gazette, was written to Geneva, and has been repeated in other European Gazettes, but no confirmation of it has been since received. On the contrary, a Mr. Charton, of Philadelphia, who is expected soon in Europe, told a Mr. Dubey, lately arrived at Neufchatel, in Switzerland, from America, that Mr. Gallatin was still living.

Mr. Gallatin's family desire to be informed with certainty, of the fate of this young man; and in the case of his having fallen a victim to the savages, they would have need of an authenticated certificate of his death, of the time of that event, and also a copy of his will, if he has made one.

Mr. Gallatin would have been twenty-five years old at the end of February, 1786.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, }
May 5, 1786. }

Dear Sir,

The last letter I had the honor of writing to you, was dated the 19th day of January last, since which I have received and laid before Congress, yours of the 30th August, 6th and 11th October, 24th December and 27th January last, with the several papers enclosed with them.

No. 1 of the papers herewith enclosed is an extract from Mr. Otto's note of the 18th ult., desiring that the Consular Convention may be speedily ratified.

No. 2 is a copy of a report on that subject agreed to by Congress, which will enable you to account and apologise for the delays, that have attended that business.

I also enclose and leave open for your perusal a letter to Mr. Dumas, by which you will perceive that Congress have made such a provision for him, as considering his services and their circumstances, appeared to them to be proper. That act of Congress was transmitted to him by the first opportunity after it had passed; as he makes no mention of it in any of his subsequent letters, I suspect it must have miscarried.

The subjects of your several letters are interesting and bear strong marks of discernment and assiduity. I forbear entering into particulars by this conveyance. Until this week Congress has not been composed of nine States, for more than three or four days since last fall. This will account for my silence on parts of your letters which required answers and instructions, for as their sentiments and decisions must direct the public conduct of their officers, I must wait with patience for their orders.

I have received from Mr. Hopkinson a parcel for you, which agreeable to a hint from him, I shall request the captain of the packet to take as merchandize. The late newspapers shall also be sent by the packet.

I have the honor to be, &c.

JOHN JAY.

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, May 10, 1786.

Dear Sir,

This will be delivered to you by the Reverend Doctor Samuel Wales, Professor in Yale College in Connecticut, who, for the recovery of his health, is advised by his physicians to make a voyage to Europe.

This gentleman is recommended to me in such strong and advantageous terms, that I cannot forbear taking the liberty of introducing him to you, and requesting the favor of you to show him those friendly offices and attentions which circumstances and the objects of his voyage may point out.

With great esteem and regard,

I have the honor to be, &c.

JOHN JAY.

END OF THE SECOND VOLUME.

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